

CASE LOG

CHARGE NO.	CHARGING PARTY	RESPONDENT		
440-2019-02716	Armond Trnava	Chicago Cat Stakehouse Sutton Cat BBG		
Date	Action	Entered By	Reviewed By	
2/27/19	Conducted interview, Perfected FS	ZF		
2/28/19	Fix PCHP - see email from 2 days ago Reprint CP FS			
2/28/19	Conduct	ZF		
2/28/19	File to OAA GH			
3/1/19	Upload Charge. B4-U3. 47-KM	ZS		
3/15/19	left VM for CP to call ind interviewed CP	Vm		
4/3/19	Rec'd Res P.S.	Vm		
9/19/19	called R - need complaints identify a's Rec'd all info from R	Vm		
10/9/19	PTI conducted.	K		
10/10/19	submitted as m3	h		
10/21/19	Return file for correct in document and correction to 961			
10/21/19	done			
10/29/19	Approved m3 undated			
11/6/19	m3 Coded, Docs. mailed to Parties			

Time : 19:18:11

ACTIVITY LOG

440-2019-02760C

Date	User	Event
07/22/20 21:29	allison.muth.law@gmail.c REP	Charging Party accessed closed charge.
07/22/20 21:29	Public Portal	Charging Party accessed closed charge.
07/08/20 21:21	allison.muth.law@gmail.c REP	Charging Party accessed closed charge.
07/08/20 21:21	Public Portal	Charging Party accessed closed charge.
01/10/20 16:59	allison.muth.law@gmail.c	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)
01/10/20 16:59	allison.muth.law@gmail.c	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)
01/10/20 16:59	allison.muth.law@gmail.c	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)
01/10/20 16:59	allison.muth.law@gmail.c	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)
01/10/20 16:05	Mitchell, Kara	Email sent to allison.muth.law@gmail.com, atrnava@gmail.com : Position Statement Provided for Your Charge 440-2019-02760
01/10/20 15:43	allison.muth.law@gmail.c	Document Download : Charge of Discrimination (440-2019-02760.Trnava.pdf)
01/10/20 15:23	allison.muth.law@gmail.c	Document Download : Charge of Discrimination (440-2019-02760.Trnava.pdf)
01/06/20 02:22	allison.muth.law@gmail.c	Document Download : Charge of Discrimination (440-2019-02760.Trnava.pdf)
01/06/20 02:13	allison.muth.law@gmail.c	Document Download : Charge of Discrimination (440-2019-02760.Trnava.pdf)
01/06/20 02:08	allison.muth.law@gmail.c	Document Download : Charge of Discrimination (440-2019-02760.Trnava.pdf)
11/20/19 12:02	Representative	Allison Muth confirmed representation of CP. Representative new status:CPR
10/21/19 12:01	Harris, Ernestine	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)
10/21/19 12:01	Harris, Ernestine	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)
10/10/19 06:51	Representative	Allison Muth confirmed representation of CP. Representative new status:CPR
10/09/19 23:19	Representative	Allison Muth confirmed representation of CP. Representative new status:CPR
10/09/19 22:35	atrnav@gmail.com	Document Download : Charge of Discrimination (440-2019-02760.Trnava.pdf)
10/09/19 22:35	atrnav@gmail.com	Document Download : Charge of Discrimination (440-2019-02760.Trnava.pdf)
10/09/19 22:34	EEOC	Confirmation email sent to allison.muth.law@gmail.com to verify representation of CP.
10/09/19 22:34	atrnav@gmail.com-CP	New Representative got added. Status of this representative set to:UCR
10/09/19 22:30	atrnav@gmail.com-CP	Email sent to atrnav@gmail.com : You Have Requested a Position Statement for Your Charge 440-2019-02760
10/09/19 22:30	atrnav@gmail.com-CP	Charging Party Chose to receive the Position Statement
10/09/19 14:40	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 5.pdf)
10/09/19 14:40	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 6.pdf)
10/09/19 14:40	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 7.pdf)
10/09/19 14:40	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 8.pdf)
10/09/19 14:40	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (Exhibit 9.pdf)
10/09/19 14:38	Mitchell, Kara	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)

Time : 19:18:11

ACTIVITY LOG

440-2019-02760C

Date	User	Event
10/09/19 14:38	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 1.pdf)
10/09/19 14:38	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 2.pdf)
10/09/19 14:38	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 3.pdf)
10/09/19 14:38	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 4.pdf)
10/09/19 14:27	Mitchell, Kara	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)
09/25/19 13:51	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 5.pdf)
09/25/19 13:51	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 6.pdf)
09/25/19 13:51	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 7.pdf)
09/25/19 13:51	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 8.pdf)
09/25/19 13:51	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (Exhibit 9.pdf)
09/25/19 13:48	Mitchell, Kara	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)
09/25/19 13:48	Mitchell, Kara	Document Download : Notice of Charge (NoticeOfCharge.pdf)
09/25/19 13:48	Mitchell, Kara	Document Download : Intake Notes (INTAKE NOTES.Trnava.docx)
09/25/19 13:48	Mitchell, Kara	Document Download : Charge Transmittal (Form 212-A) (Form212.pdf)
09/25/19 13:48	Mitchell, Kara	Document Download : Charge of Discrimination (440-2019-02760.Trnava.pdf)
09/19/19 14:02	Mitchell, Kara	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)
09/19/19 14:02	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 1.pdf)
09/19/19 14:02	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 2.pdf)
09/19/19 14:02	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 3.pdf)
09/19/19 14:02	Mitchell, Kara	Document Download : Position Statement Attachments - Non-Confidential (EXHIBIT 4.pdf)
05/28/19 09:38	Mitchell, Kara	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)
05/14/19 17:57	Charging.Party	Document Download : Charge of Discrimination (440-2019-02760.Trnava.pdf)
05/06/19 14:18	Respondent	Document Download : Position Statement Attachments - Non-Confidential (Exhibit 9.pdf)
05/06/19 14:17	Respondent	Document Download : Position Statement (Chicago Cut _Trnava_ - Position Statement.pdf)
05/06/19 14:17	RESPONDENT	No Action is required from you at this time. You may be notified at a later date to respond to a Request for Information
05/06/19 14:17	RESPONDENT	Respondent logged in
04/08/19 17:42	Atrnava@gmail.com-CP	Charging party - Atrnava@gmail.com successfully logged into Public Portal
04/03/19 22:53	RESPONDENT	Sent document upload confirmation to acaldarone@lanermuchin.com
04/03/19 22:53	Respondent	Uploaded Position Statement Attachments - Non-Confidential (Exhibit 9)

ACTIVITY LOG

440-2019-02760C

Date	User	Event
04/03/19 22:53	RESPONDENT	Sent document upload confirmation to acaldarone@lanermuchin.com
04/03/19 22:53	Respondent	Uploaded Position Statement Attachments - Non-Confidential (EXHIBIT 8)
04/03/19 22:53	RESPONDENT	Sent document upload confirmation to acaldarone@lanermuchin.com
04/03/19 22:53	Respondent	Uploaded Position Statement Attachments - Non-Confidential (EXHIBIT 7)
04/03/19 22:53	RESPONDENT	Sent document upload confirmation to acaldarone@lanermuchin.com
04/03/19 22:53	Respondent	Uploaded Position Statement Attachments - Non-Confidential (EXHIBIT 6)
04/03/19 22:53	RESPONDENT	Sent document upload confirmation to acaldarone@lanermuchin.com
04/03/19 22:53	Respondent	Uploaded Position Statement Attachments - Non-Confidential (EXHIBIT 5)
04/03/19 22:53	RESPONDENT	Sent document upload confirmation to acaldarone@lanermuchin.com
04/03/19 22:53	Respondent	Uploaded Position Statement Attachments - Non-Confidential (EXHIBIT 4)
04/03/19 22:53	RESPONDENT	Sent document upload confirmation to acaldarone@lanermuchin.com
04/03/19 22:53	Respondent	Uploaded Position Statement Attachments - Non-Confidential (EXHIBIT 3)
04/03/19 22:53	RESPONDENT	Sent document upload confirmation to acaldarone@lanermuchin.com
04/03/19 22:53	Respondent	Uploaded Position Statement Attachments - Non-Confidential (EXHIBIT 2)
04/03/19 22:53	RESPONDENT	Sent document upload confirmation to acaldarone@lanermuchin.com
04/03/19 22:53	Respondent	Uploaded Position Statement Attachments - Non-Confidential (EXHIBIT 1)
04/03/19 22:50	RESPONDENT	Email sent to atrnava@gmail.com : Position Statement Requested for Your Charge 440-2019-02760
04/03/19 22:50	RESPONDENT	Sent document upload confirmation to acaldarone@lanermuchin.com
04/03/19 22:50	Respondent	Uploaded Position Statement (Chicago Cut (Trnava) - Position Statement)
04/03/19 22:49	RESPONDENT	Please provide a statement of your position on the issues covered in the charge, with any supporting documentation by April 03, 2019. For guidance on how to best prepare your Position Statement, please review Effective Position Statements, as EEOC has revised its procedures related to the content and release of position statements, effective January 1, 2016. You may be notified at a later date to respond to a Request for Information
04/03/19 22:49	RESPONDENT	Respondent logged in
04/01/19 22:12	RESPONDENT	Please provide a statement of your position on the issues covered in the charge, with any supporting documentation by April 03, 2019. For guidance on how to best prepare your Position Statement, please review Effective Position Statements, as EEOC has revised its procedures related to the content and release of position statements, effective January 1, 2016. You may be notified at a later date to respond to a Request for Information
04/01/19 22:12	RESPONDENT	Respondent logged in
03/29/19 15:47	Kowal, Carrie	Uploaded Charge Transmittal (Form 212-A) (Charge Transmittal (Form 212-A))
03/29/19 15:46	Kowal, Carrie	Deferral Office Intent: Defer Investigation ,set By Kowal, Carrie
03/04/19 17:05	RESPONDENT	Viewed Charge of Discrimination
03/04/19 17:05	Respondent	Document Download : Charge of Discrimination (440-2019-02760.Trnava.pdf)
03/04/19 17:05	RESPONDENT	Added Legal Rep contact info
03/04/19 17:04	RESPONDENT	Confirmed Respondent contact info (no update)
03/04/19 17:04	RESPONDENT	Please provide a statement of your position on the issues covered in the charge, with any supporting documentation by April 03, 2019. For guidance on how to best prepare your Position Statement, please review Effective Position Statements, as EEOC has revised its procedures related to the content and release of position statements, effective January 1, 2016. You may be notified at a later date to respond to a Request for Information
03/04/19 17:04	RESPONDENT	Respondent logged in
03/04/19 17:04	RESPONDENT	Sent password change to david.flom@chicagocutsteakhouse.com

TAB A

**EEOC
Office Work
Product**

DISMISSAL AND NOTICE OF RIGHTS

To: **Armend A. Trnava**
c/o Allison Muth
Law Offices of Allison Muth
3504 W. Frace, Apt 1
Chicago, IL 60618

From: **Chicago District Office**
230 S. Dearborn
Suite 1866
Chicago, IL 60604



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2019-02760

Kara Mitchell,
Investigator

(312) 872-9702**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

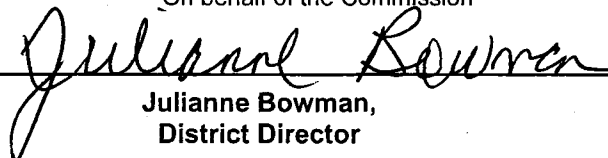
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Julianne Bowman,
District Director

11/6/19
 (Date Mailed)

Enclosures(s)

cc: **Chicago Cut Steakhouse**
c/o Antonio Caldarone
Laner Muchin, Ltd
614 N. State, Ste 2800
Chicago, IL 60654

ANALYSIS OF THE EVIDENCE

To: Management

From: Kara L. Mitchell
Investigator

Re: Armand Trnava v Chicago Cut Steakhouse
440-2019-02760

Date: October 22, 2019

CP's Allegation(s)

CP alleged that because of his national origin, Kosovo, race, White, sex, male, and religion Muslim, he was harassed, sexually harassed and paid lower wages than promised at hire. PCP stated he was discharged on October 18, 2018.

(b)(5)

(b)(5)

Redacted 9 lines in 2nd paragraph and 3 lines in 3rd paragraph containing pre-decisional deliberation, analysis and/or recommendations and may interfere with enforcement proceedings.

Armend Trnava 440-2019-02760

3/15/2019

You indicated that training was to take 2-3 weeks, but it took 2-3 months. Why so long? He does not know. Said that R could not find anyone who wanted to work for them because of bad reputation.

Who promised you \$70,000? COO without identification

What was your position? General Manager

Who is Jamie Bowler? Did you ever tell him that you were offended by him mimicking your English? Jamie a bartender. It was on an e-mail.

Who is Steve? Why did he call you a stinky, smelly European? Steve was a Server. PCP said he told Steve that that hurt his feelings.

Were you the supervisor of anyone? Bartenders, Servers

What did you do when they laughed at your accent? He said that he told them to stop but he did not do anything.

When the Server Chris sexually harassed you by saying that all Europeans have a small penis, did you laugh with them? CP said that this was the culture of the environment to make derogatory comments to anyone new. CP said he asked Owner why he did not stop Chris when he was making a gesture in front of the guest.

What did the person who said it, why didn't you tell him how you felt? CP said that he told Chris that he is the manager and he is not supposed to do that.

Who is Drew Bakius? Do you have the IM that she sent to you that made you feel uncomfortable? What was your response to this? He was Server long time ago and put something on IM.

What is the relationship between Chicago Cut Steakhouse and Southern Cut BBQ? Where were you originally hired to work? Two restaurants by same Owner. CP hired at Chgo, went to Southern and returned to Chgo.

You stated that you were then assigned to work at Southern Cut BBQ. What position did you have? Manager at Chicago Cut and GM at Southern.

You stated after being assigned to work at Southern Cut BBQ, you fired Abraham. Abraham sent you a threatening text message. Did you report this to the police? How did you fire Abraham when you stated earlier that you could not write up anyone or fire anyone. CP said that Owners asked him about Abraham and based on CP's recommendation, Abraham was fired.

You stated that R fired 7 GMs within 6 months. What national origin are they? They were born in America. Some before CP and one right after CP.

After Owner Matt Moore made a derogatory remark about you becoming a citizen and the stock market. When was this? June or July 2018 What did you say? CP said nothing

Why did Matt Moore make all the managers stay at the Host stand? Because he is mean.

Did you give the daughter of a customer your personal cell number? CP admitted that he did.

TAB B

Jurisdictional Items

EEOC Form 5 (11/09)

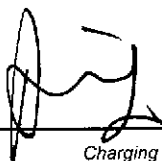
CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): 440-2019-02760 <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Illinois Department Of Human Rights and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Armend A. Trnava		Home Phone (Incl. Area Code) (312) 533-1043	Date of Birth 1984
Street Address 65 E. Scott St., Unit 12C, Chicago, IL 60610			
City, State and ZIP Code			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CHICAGO CUT STEAKHOUSE / SOUTHERN CUT BARBECUE		No. Employees, Members 101 - 200	Phone No. (Include Area Code) (312) 329-1800
Street Address 300 N. Lasalle St., Chicago, IL 60654			
City, State and ZIP Code			
<div style="border: 2px solid black; padding: 5px; display: inline-block;"> RECEIVED EEOC FEB 27 2019 </div>			
Name CHICAGO DISTRICT OFFICE		No. Employees, Members 101 - 200	
Street Address CHICAGO DISTRICT OFFICE			
City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input checked="" type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest _____ Latest 10-19-2018 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I was hired by Respondent in or around March 2018. My most recent position was General Manager. During my employment, I was subjected to national origin-based harassment, sexual harassment, and was paid lower wages than I was promised at hire. I complained to no avail. On or about October 19, 2018, I was discharged.</p> <p>I believe I have been discriminated against because of my national origin, Kosovo, race, White, sex, male, and religion, Muslim, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Feb 27, 2019

Date



Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 440-2019-02760 </div> </div>	
Illinois Department Of Human Rights and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Armend A. Trnava		Home Phone (Incl. Area Code) (312) 533-1043	Date of Birth 1984
Street Address City, State and ZIP Code 65 E. Scott St., Unit 12C, Chicago, IL 60610			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CHICAGO CUT STEAKHOUSE / SOUTHERN CUT BARBECUE		No. Employees, Members 101 - 200	Phone No. (Include Area Code) (312) 329-1800
Street Address City, State and ZIP Code 300 N. Lasalle St., Chicago, IL 60654			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input checked="" type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) </div> <div style="text-align: right;"> DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10-19-2018 </div> </div> <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> CONTINUING ACTION </div>			
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I was hired by Respondent in or around March 2018. My most recent position was General Manager. During my employment, I was subjected to national origin-based harassment, sexual harassment, and was paid lower wages than I was promised at hire. I complained to no avail. On or about October 19, 2018, I was discharged.</p> <p>I believe I have been discriminated against because of my national origin, Kosovo, race, White, sex, male, and religion, Islam, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p> <p style="margin-left: 100px;"> <i>Muslim</i> <i>- per PRP</i> </p> <div style="background-color: yellow; padding: 5px; display: inline-block;"> Redacted handwritten processing comment regarding charge processing </div> <div style="margin-left: 20px;"> <i>TI</i> - (b)(5) </div>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
<div style="display: flex; justify-content: space-between;"> <div> Feb 27, 2019 <hr/> <small>Date</small> </div> <div> <hr/> <small>Charging Party Signature</small> </div> </div>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>	



**U.S. Equal Employment Opportunity Commission
Chicago District Office**

500 West Madison St
Suite 2000
Chicago, IL 60661

NOTICE OF CHARGE OF DISCRIMINATION

(This Notice replaces EEOC FORM 131)

DIGITAL CHARGE SYSTEM

March 4, 2019

To: David Flom
Managing Partner
CHICAGO CUT STEAKHOUSE
david.flom@chicagocutsteakhouse.com

This is notice that a charge of employment discrimination has been filed with the EEOC against your organization by Armend A. Trnava, under: Title VII of the Civil Rights Act (Title VII). The circumstances of the alleged discrimination are based on Religion, National Origin, Race, and Sex, and involve issues of Harassment, Sexual Harassment, Wages, Discharge, and Other Language/Accent Issue that are alleged to have occurred on or about Oct 19, 2018.

The Digital Charge System makes investigations and communications with charging parties and respondents more efficient by digitizing charge documents. The charge is available for you to download from the EEOC Respondent Portal, EEOC's secure online system.

Please follow these instructions to view the charge within ten (10) days of receiving this Notice:

1. Access EEOC's secure online system: (b)(7)(A)
 2. Enter this EEOC Charge No.: **440-2019-02760**
 3. Enter this temporary password: (b)(7)(A)
- Redacted Respondent's online access and password**

Once you log into the system, you can view and download the charge, and electronically submit documents to EEOC. The system will also advise you of possible actions or responses, and identify your EEOC point of contact for this charge.

If you are unable to log into the EEOC Respondent Portal or have any questions regarding the Digital Charge System, you can send an email to CHICAGOEEOC@EEOC.GOV.

Preservation of Records Requirement

EEOC regulations require respondents to preserve all payroll and personnel records relevant to the charge until final disposition of the charge or litigation. 29 CFR §1602.14. For more information on your obligation to preserve records, see <http://eeoc.gov/employers/recordkeeping.cfm>.

Non-Retaliation Requirements

The laws enforced by the EEOC prohibit retaliation against any individual because s/he has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing under these laws. Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. For more information, see <http://www.eeoc.gov/laws/types/facts-retal.cfm>.

Legal Representation

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please provide the attorney's contact information when you log in to the online system.

Please retain this notice for your records.



U.S. Equal Employment Opportunity Commission

FEDERAL INVESTIGATION: REQUEST FOR POSITION STATEMENT AND SUPPORTING DOCUMENTARY EVIDENCE

EEOC hereby requests that your organization submit within 30 days a Position Statement setting forth all facts which pertain to the allegations in the charge of discrimination under investigation, as well as any other facts which you deem relevant for EEOC's consideration.

We recommend you review EEOC's resource guide on "[Effective Position Statements](#)" as you prepare your response to this request.

Fact-Based Position Statement

This is your opportunity to raise any and all defenses, legal or factual, in response to each of the allegations of the charge. The position statement should set forth all of the facts relevant to respond to the allegations in the charge, as well as any other facts the Respondent deems pertinent to EEOC's consideration. The position statement should only refer to, but not identify, information that the Respondent asserts is sensitive medical information, or confidential commercial or financial information.

EEOC also requests that you submit all documentary evidence you believe is responsive to the allegations of the charge. If you submit only an advocacy statement, unsupported by documentary evidence, EEOC may conclude that Respondent has no evidence to support its defense to the allegations of the charge.

EEOC may release your position statement and non-confidential attachments to the Charging Party and her representative and allow them to respond to enable the EEOC to assess the credibility of the information provided by both parties. It is in the Respondent's interest to provide an effective position statement that focuses on the facts. EEOC will not release the Charging Party's response, if any, to the Respondent.

If no response is received to this request, EEOC may proceed directly to a determination on the merits of the charge based on the information at its disposal.

Signed by an Authorized Representative

The Position Statement should be signed by an officer, agent, or representative of Respondent authorized to speak officially on its behalf in this federal investigation.

Segregate Confidential Information into Separately Designated Attachments

If you rely on confidential medical or commercial information in the position statement, you should provide such information in separate attachments to the position statement labeled "Sensitive Medical Information," "Confidential Commercial or Financial Information," or "Trade Secret Information" as applicable. Provide an explanation justifying the confidential nature of the information contained in the attachments. Medical information about the

Charging Party is not sensitive or confidential medical information in relation to EEOC's investigation.

Segregate the following information into separate attachments and designate them as follows:

- a. Sensitive medical information (except for the Charging Party's medical information).
- b. Social Security Numbers
- c. Confidential commercial or financial information.
- d. Trade secrets information.
- e. Non-relevant personally identifiable information of witnesses, comparators or third parties, for example, social security numbers, dates of birth in non-age cases, home addresses, personal phone numbers and email addresses, etc.
- f. Any reference to charges filed against the Respondent by other charging parties.

Requests for an Extension

If Respondent believes it requires additional time to respond, it must, at the *earliest possible time* in advance of the due date, make a written request for extension, explain why an extension is necessary, and specify the amount of additional time needed to reply. Submitting a written request for extension of time does not automatically extend the deadline for providing the position statement.

Upload the Position Statement and Attachments into the Respondent Portal

You can upload your position statement and attachments into the Respondent Portal using the **+ Upload Documents** button. Select the "Position Statement" Document Type and click the **Save Upload** button to send the Position Statement and attachments to EEOC. Once the Position Statement has been submitted, you will not be able to retract it via the Portal.

U.S. Equal Employment Opportunity Commission

**Notification & Acknowledgement
of Dual-Filed Charge**

(This Notice replaces EEOC FORM 212-A)

DIGITAL CHARGE SYSTEM

03/29/2019

EEOC Number: 440-2019-02760C

FEPA Number:

This is notice that a charge of employment discrimination, Armend A Trnava v. CHICAGO CUT STEAKHOUSE / SOUTHERN CUT BARBECUE was initially received by Chicago District Office on 03/04/2019, and will be dual-filed with Illinois Department Of Human Rights.

Pursuant to the work sharing agreement, the Chicago District Office will Investigate Charge.

The Illinois Department Of Human Rights acknowledges receipt of the referenced charge, Armend A Trnava v. CHICAGO CUT STEAKHOUSE / SOUTHERN CUT BARBECUE, and intends to Defer Investigation.

Issued by:

Zachary M Florent, I2
Chicago District Office

Date:

03/29/2019

Acknowledged by:

Carrie Kowal
Illinois Department Of Human Rights

Date:

03/29/2019

Redacted 3 paragraphs indicating internal charge processing procedures.

Confidential - For Official Use Only

(b)(5)

(b)(5)

(b)(5)

Run : 07/26/2020

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Page 2 of 3

Time : 19:18:38

Charge Detail Inquiry

CHARGE # 440-2019-02760C	FORMALIZED OFFICE 440	STAFF Sandra Landis	DATE INITIAL INQUIRY 02/25/2019
LEAD CHARGE #	ACCOUNTABLE OFFICE 440	UNIT 1	DATE FIRST OFFICE 02/27/2019
FEPA #			DATE DISTRICT 02/27/2019
CHARGING PARTY INFORMATION			THIS OFFICE DATE 02/27/2019
Trnava, Armend A		Home (312) 533-1043	Race White
65 E. Scott St.		Work	
Unit 12c		Cell	
Chicago	IL 60610	Country USA	
Sex M	Date of Birth 12/16/1984	Nat Origin Other European National Origin	
Email Address atrnava@gmail.com			
CHARGING PARTY CONTACT			
Charging Party Representative Allison K Muth LAW OFFICE OF ALLISON K. MUTH 3504 W. Frace Apt 1 Chicago, IL 60618 Country: USA Phone: (708) 205-1869 Email Address: allison.muth.law@gmail.com			
RESPONDENT INFORMATION			
CHICAGO CUT STEAKHOUSE / SOUTHERN CUT BARBECUE		Phone (312) 329-1800	FAX
300 N. Lasalle St.		R Type E	SMSA 1600
Chicago	IL 60654	Country USA	
Size 101 - 200 Employees			
EEO1 HDQ FD4231	EEO1 Unit FD4231		
NAICS Code 722511	Full-Service Restaurants		
Email Address			
RESPONDENT CONTACT			
Respondent Contact Information David Flom - Managing Partner CHICAGO CUT STEAKHOUSE 300 N Lasalle St. Chicago, IL 60654 Country: USA Phone: (312) 329-1800 Email Address: david.flom@chicagocutsteakhouse.com			
Respondent Legal Representative Antonio Caldarone - Attorney Laner Muchin, Ltd. 514 N. State St. Suite 2800 Chicago, IL 60654 Phone: (312) 467-9800 Email Address: acaldarone@lanermuchin.com			
PROCESSING INFORMATION			
Communication Method W	Source of Complaint A	Processing Type O	Processing Category [REDACTED]
Subpoena	Suspense	Transfer From:	Deferral Office 21B
Staff Kara Mitchell		Staff Assigned Date 5/29/2019	Staff Function/Unit E3
Last Action 07/16/2020 12 O1 FOIA Requested Office: 440 F/U: E3 Del: A			
Final Closure Action 11/06/2019 11 M3 No Cause Finding Issued Office: 440 F/U: E3			
ALLEGATIONS			
Alleg # 1	SBI: T AM D2	Cont Act? N	Litigation? Cause? First DOV 10/19/2018 Last DOV 10/19/2018
Alleg # 2	SBI: T AM H1	Cont Act? N	Litigation? Cause? First DOV 10/19/2018 Last DOV 10/19/2018
Alleg # 3	SBI: T AM L3	Cont Act? N	Litigation? Cause? First DOV 10/19/2018 Last DOV 10/19/2018
Alleg # 4	SBI: T AM S4	Cont Act? N	Litigation? Cause? First DOV 10/19/2018 Last DOV 10/19/2018
Alleg # 5	SBI: T AM W1	Cont Act? N	Litigation? Cause? First DOV 10/19/2018 Last DOV 10/19/2018
Alleg # 6	SBI: T GM S4	Cont Act? N	Litigation? Cause? First DOV 10/19/2018 Last DOV 10/19/2018
Alleg # 7	SBI: T NO D2	Cont Act? N	Litigation? Cause? First DOV 10/19/2018 Last DOV 10/19/2018
Alleg # 8	SBI: T NO H1	Cont Act? N	Litigation? Cause? First DOV 10/19/2018 Last DOV 10/19/2018

Redacted 1 line,
contains
processing
comment
indicating
recommendation
regarding charge

Run : 07/26/2020

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Page 3 of 3

Time : 19:18:38

Charge Detail Inquiry

Alleg #	SBI	T	NO	L3	Cont Act?	N	Litigation?	Cause?	First DOV	10/19/2018	Last DOV	10/19/2018
Alleg # 9	SBI: T	NO	L3	Cont Act? N	Litigation?	Cause?	First DOV	10/19/2018	Last DOV	10/19/2018		
Alleg # 10	SBI: T	NO	S4	Cont Act? N	Litigation?	Cause?	First DOV	10/19/2018	Last DOV	10/19/2018		
Alleg # 11	SBI: T	NO	W1	Cont Act? N	Litigation?	Cause?	First DOV	10/19/2018	Last DOV	10/19/2018		
Alleg # 12	SBI: T	RW	D2	Cont Act? N	Litigation?	Cause?	First DOV	10/19/2018	Last DOV	10/19/2018		
Alleg # 13	SBI: T	RW	H1	Cont Act? N	Litigation?	Cause?	First DOV	10/19/2018	Last DOV	10/19/2018		
Alleg # 14	SBI: T	RW	L3	Cont Act? N	Litigation?	Cause?	First DOV	10/19/2018	Last DOV	10/19/2018		
Alleg # 15	SBI: T	RW	S4	Cont Act? N	Litigation?	Cause?	First DOV	10/19/2018	Last DOV	10/19/2018		
Alleg # 16	SBI: T	RW	W1	Cont Act? N	Litigation?	Cause?	First DOV	10/19/2018	Last DOV	10/19/2018		

BENEFITS

ACTION HISTORY

Date	Seq	Code	Description	Attributes	Office	F/U	Del
02/26/2019	1	G1	Assigned To Staff 2/27 @830 Office	1:IP 2:W	440	I1	
02/27/2019	2	G1	Assigned To Staff	1:ZF 2:W	440	I1	
02/27/2019	3	AB	Formalize Charge		440	I1	
02/27/2019	4	B6	Assign Processing Category	(b)(5)	440	I1	
02/28/2019	5	B6	Assign Processing Category		440	I1	
03/04/2019	6	B4	Send to Function/Unit	1:E 2:3 3:P	440	I1	
03/04/2019	7	G1	Assigned To Staff	1:KM 2:W	440	E3	
04/03/2019	8	G9	Position Statement Received Respondent uploaded position statement.		440	E3	
05/28/2019	9	G1	Assigned To Staff	1:KME 2:W	440	E3	
05/29/2019	10	G1	Assigned To Staff	1:KM 2:W	440	E3	
11/06/2019	11	M3	No Cause Finding Issued		440	E3	
07/16/2020	12	O1	FOIA Requested	1:440-2020-014369	440	E3	

IMS NOTES

Note Date	Subject	Batching	Created By
02/27/2019	Batching		Florent, Zachary M
Note	(b)(5) Mitchell		
02/27/2019	Form 5 Particulars		Florent, Zachary M
Note	I was hired by Respondent in or around March 2018. My most recent position was General Manager. During my employment, I was subjected to national origin-based harassment, sexual harassment, and was paid lower wages than I was promised at hire. I complained to no avail. On or about October 19, 2018, I was discharged.		
Note	I believe I have been discriminated against because of my national origin, Kosovo, race, White, sex, male, and religion, Islam, in violation of Title VII of the Civil Rights Act of 1964, as amended.		
11/06/2019	File received into Control section Nov 2019		Chase, Valerie
Note	File received into Control section Nov 2019		

Redacted 3 lines total, contains processing comment indicating recommendation regarding charge processing.

TAB C

**Charging
Party's
Evidence**



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison Street, Suite 2000
Chicago, IL 60661
Intake Information Group: (800) 669-4000
Intake Information Group: (800) 669-6820
Chicago Direct Dial: (312) 869-8000
Chicago TTY: (312) 869-8001

DATE: 2/27/2019
TO: FILE
FROM: ZF
RE: PCP – Intake Interview CHARGE NO: 440-2019-02760

PCP Name: Armend Trnava Respondent Name: Chicago Cut Steakhouse
DOB: 12/16/1984 Last Position: Manager/GM
Basis: Race, Religion, Sex, National DOH:
Origin Supervisor:
Issue:

Also present:

Informed PCP of EEOC neutrality, resources, and that the burden of proof is on the Charging Party. Advised PCP of their right to file a charge and ultimate right to sue, as well as EEOC's exclusive role in determining whether to investigate. Informed PCP that the purpose of the intake interview is to gather preliminary information and assess what happened, why PCP feels it amounts to discrimination, and if the charge falls under EEOC jurisdiction.

- PCP said he is from Kosovo. PCP said he is also Muslim.
- PCP said he did not mean to indicate color.
- PCP said he was hired by R in Feb/March 2018. PCP said he was hired as the General Manager. PCP said that the owner, Matt Moore (RW, USA/Irish, male, Catholic), was the DM for hire. PCP said he was hired to work at the Southern Cut location.
 - PCP said that he was discharged on or about October 19, 2018. PCP said that Moore made the decision along with David Flom (RW, USA, male, Catholic), co-owner.
- PCP said he never told the owners he is Muslim, he presumes they know based on where he is from, but he doesn't know for sure if they know his religion.
- PCP said that there are two restaurants owned: Chicago Cut Steakhouse (300 N. LaSalle) and Southern Cut Barbecue (198 E. Delaware).
- PCP said on his first day, he reported to Chicago Cut for training. PCP said it was supposed to be for two weeks, but ended up being for about three months. PCP said he was there from hire to April/May 2018.
 - PCP said that there was a GM at Chicago Cut, but he quit after one day of PCP working.
 - PCP said there was a GM at Southern Cut, Mike LNU, but he was fired about 2-3 months after PCP was hired. PCP said he was told by Moore to wait next door while they fired Mike and they would text PCP when to come in.
 - PCP said he is aware that in a six month period, the owners fired 9 GM's, not including PCP.

- PCP said that right away, the servers started calling him things like “Stinky Eastern European” or calling him “Borat” or laughing at his accent. PCP said Chris LNU (RW, USA, male, rel unk), Server, and Steve LNU (RW, British, male, rel unk), Server, were particularly egregious.
 - PCP said within his first week, on a Friday, Marshall LNU (RB, USA, male, rel unk), Manager, Brandon LNU (RW, USA, male, rel unk) Asst., GM, and PCP were at the host stand at Chicago Cut. PCP said there were 5-6 servers waiting for guests and a Host present. PCP said Chris came up to Marshall, made a hand gesture indicating “girth” and made comments about Eastern Europeans having small dicks, that they cannot find the hole because they have small dicks. PCP said Marshall was just laughing. PCP said Donna LNU (RW, USA, female, rel unk), Server, came up and played along, said she would help him find the hole, and they played at trying to help him find the hole with the hand gesture. PCP said he asked Marshall why he was laughing. PCP said he was humiliated, walked away.
 - PCP said a couple days later, Chris made a comment to PCP that his sister tasted very good last night.
 - PCP said the comments would happen multiple times a day, every day.
 - PCP said he emailed a complaint to the owners about two weeks later.
- PCP said he was at Southern Cut for about three months. PCP said it was terrible – they were just talking shit about him, mocking him, making fun of his accent. PCP said he doesn’t know why he was moved back to Chicago Cut, suspects because it was a busier restaurant.
 - PCP said he would make pre-shift staff meetings and Tony LNU (RW, USA, male, rel unk) Executive Chef, Brian Crutchett (RW, USA, male, rel unk), Server, Jessica Rza (RW, USA, female, rel unk) Server, Christie Conroy (RW, USA, female, rel unk) Server, Jenna Booze (RW, USA, female, rel unk) Server, Collin Fallon (RW, USA, male, rel unk – related to David owner), Server – PCP said they would also call him Borat, make fun of his accent and how he talks, criticize why he was made GM.
- PCP said he complained multiple times, at least fifty times throughout his employment, but he never received a reply – no email, never a conversation, no apology.
- PCP said when he went back to Chicago Cut, people kept being mean. PCP said he continued to report the conduct.
- PCP said that Matt ended up firing PCP for a customer who complained. PCP said he remedied the customer’s complaint at the time and gave her his card if she wanted to follow up later.
- PCP said Mike Genovese (RW, USA, male, Christian), former assistant manager, said he would provide witness testimony. His email: mikieg1@aol.com. PCP said his phone number: 708-207-4788. PCP said Mike worked there the entire time PCP was working for R – primarily at Southern Cut. PCP said Mike was just recently fired – 2-3 weeks ago.
- PCP said that Jessie LNU (Mexican/Hispanic, male, rel unk), Server/Shift Manager, can also provide witness testimony. PCP said he worked at Southern Cut. PCP said he was fired after PCP. Phone number: 773-220-6096
- PCP said he applied for unemployment, R denied it, told unemployment that another manager, Rob Maguire (RW, USA, male, rel unk), received a customer complaint about PCP. PCP followed up with that manager and was told that he was forced to say the complaint

was about PCP, but admitted the customer never mentioned PCP. PCP said Rob's phone number is 832-276-4404

- PCP said that during the unemployment hearing, the judge questioned the owner about PCP's discharge and they were unable to provide satisfactory answers, so unemployment sided with PCP.
- PCP said he was also never paid the salary he was promised at hire. He was paid 60K vs. promised 70K plus bonuses.
- PCP said he wants to file a charge.

October 10, 2019

440-2019-02760

During PDI, CP stated that he did not touch the female guest's shoulders at any time and that he did not continue to touch her shoulders each time he walked past table. CP said that the guest wrote a lie on him.

Regarding the 2nd guest, CP admitted he gave his # to the daughter of the guest. CP then changed his story to say that he gave the daughter his business card, but he could not explain why he gave his business card to the daughter and not to the parent.

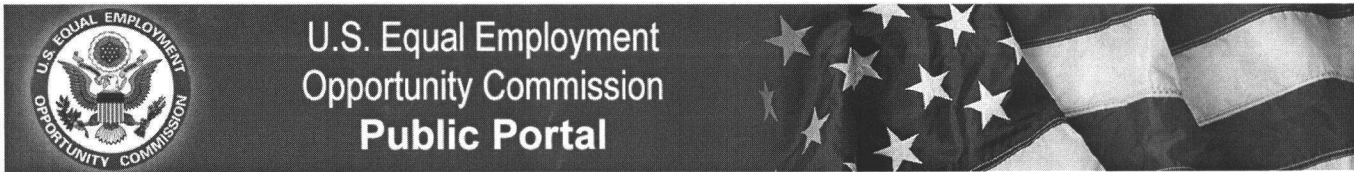
CP also said that he saw another Manager in the streets one day, and told CP that he was forced to write that it was CP who the guest complained about.

CP said he did not get any write-ups because he did not sign anything. Inv told CP that one of the write-ups was via e-mail. CP then stated that the customers were lying on him. CP was not able to make a connection of his allegations to his demotion and discharge due to continued inappropriate actions with customers.

(b)(5)

KM

Redacted 1 line indicating Investigator's internal impressions.



[Change Password \(ChangePassword.aspx\)](#) | [Logout \(logout.aspx\)](#)

Appointment Confirmed

An appointment has been scheduled for this PCP

[Back to Menu \(Staff.aspx\)](#)

Your Name: Armend Trnava

Your Phone Number: (312) 533-1043

Interpreter/Language: No interpreter needed

Additional Information:

Appointment Code: 440-2019-02760

Appointment Date: Wednesday, 02/27/2019, 08:30 AM

Appointment Time: 08:30 AM (Time Zone: Central)

Appointment Office: Chicago

Office Address: 500 West Madison Street, Suite 2000, Chicago, Illinois
60661

What type of In-Person
interview :

This PCP's appointment has been scheduled successfully. Thank you.

[Back to Menu \(Staff.aspx\)](#)

[Next](#)

[Privacy Policy \(https://www.eeoc.gov/privacy.cfm\)](https://www.eeoc.gov/privacy.cfm) | [Disclaimer \(https://www.eeoc.gov/disclaimer.cfm\)](https://www.eeoc.gov/disclaimer.cfm) |
[USA.gov \(https://www.usa.gov/\)](https://www.usa.gov/)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION



RECEIVED EEOC
PRE-CHARGE INQUIRY

FEB 25 2019

For Official Use Only – Inquiry Number:

440-2019-02760

Thank you for contacting the U.S. Equal Employment Opportunity Commission ("EEOC"). The information you give us on this Pre-Charge Inquiry (Form 290A) will help us assist you and determine if your concerns are covered by the employment discrimination laws we enforce. Answer all questions completely and briefly. Please write clearly.

After completing this Pre-Charge Inquiry, **return it immediately** to the EEOC office identified in the cover letter to this Pre-Charge Inquiry, or to the receptionist if you are completing this Pre-Charge Inquiry in an EEOC office.

Please note: This Pre-Charge Inquiry is not a Charge of Discrimination.

The Pre-Charge Inquiry is **not intended** for use by applicants for federal jobs or employees of the US government. See http://www.eeoc.gov/federal/fed_employees/complaint_overview.cfm for discrimination complaints in federal jobs:

Personal Information	First Name: <u>ARMENA</u> MI: _____ Last Name: <u>TRNAVA</u>
	Home Phone: <u>(312) 533-1043</u> Cell: (_____) _____ Email: <u>ATRNAVAG66MAIL.COM</u>
	Address: <u>65 E SCOTT</u> Apt.: <u>12C</u>
	City: <u>CHICAGO</u> County: <u>USA</u> State: <u>IL</u> Zip Code: <u>60610</u>
	What is the best way to reach you? <u>BY PHONE OR EMAIL</u>
	What are the best days and times to reach you? <u>MORNING</u>
	Do you need language assistance? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	If so, what do you need? _____
	Date of Birth: <u>16/12/1984</u> Sex: Male <input checked="" type="checkbox"/> Female <input type="checkbox"/>
	General information about you that will allow us to serve all individuals better:
	i. Are you Hispanic or Latino? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	ii. What is your race? Choose all that apply: American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White <input checked="" type="checkbox"/>
	iii. What is your National Origin or ancestry? _____
Who do you think discriminated against you?	Employer <input checked="" type="checkbox"/> Union <input type="checkbox"/> Employment Agency <input type="checkbox"/> Other Organization <input type="checkbox"/>
	Organization Name: <u>CHICAGO ICE</u>
	Address: <u>300 N LA SALLE</u> Suite: _____
	City: <u>CHICAGO</u> County: <u>USA</u> State: <u>IL</u> Zip Code: <u>60610</u>
	Name of Human Resources Director or Owner: _____
	Email: _____ Phone: (_____) _____

Who do you think discriminated against you? (continued)	How many employees (estimated) does the organization have at all locations? Check one: Less than 15 <input type="checkbox"/> 15-100 <input type="checkbox"/> 101-200 <input type="checkbox"/> 201-500 <input type="checkbox"/> More than 500 <input type="checkbox"/> Where you work(ed), or applied to work, if different from the organization address above: Address: _____ Suite: _____ City: _____ County: _____ State: _____ Zip Code: _____
Why do you think you were discriminated against?	I think I was discriminated against because of: <input checked="" type="checkbox"/> Race – Your race: _____ <input checked="" type="checkbox"/> Color – Your color: _____ <input checked="" type="checkbox"/> Religion – Your religion: _____ <input checked="" type="checkbox"/> Sex (including pregnancy, gender identity, or sexual orientation) <input checked="" type="checkbox"/> National origin – Your national origin: _____ <input type="checkbox"/> Age (40 or older) – Your age at the time of the adverse employment action: _____ <input type="checkbox"/> Disability – Check all that apply: <input type="checkbox"/> I have a disability <input type="checkbox"/> I had a disability in the past <input type="checkbox"/> I don't have a disability but I am treated as if I have a disability <input type="checkbox"/> I am closely related to or associated with a person with a disability The disability involved: _____ Is your employer aware of the disability? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, how? _____ <input type="checkbox"/> Genetic information, my family medical history, or my participation in genetic services like counseling, education or testing <input type="checkbox"/> Retaliation – Check all that apply:
	<input type="checkbox"/> I filed a charge of job discrimination about any of the above <input type="checkbox"/> I contacted a government agency to complain about job discrimination <input type="checkbox"/> I complained to my employer about job discrimination <input type="checkbox"/> I helped or was a witness in someone else's complaint about job discrimination <input type="checkbox"/> I requested an accommodation for my disability or religion <input type="checkbox"/> None of the above – The reason for this inquiry: _____
What happened to you that you think was discriminatory and when did it happen?	EXAMPLES: I was denied an accommodation I needed to perform my job; I was fired because I was pregnant; I was laid off because of my age. State the date the action happened. Date: ____/____/____ Action: _____ Date: ____/____/____ Action: _____ Name of Person(s) Responsible: _____

ALL YEAR LONG THE OWNER DIDN'T CARE!!!

What reason(s) were you given for this job action?	Reason(s): _____ Who told you this? _____ His or Her Job Title: _____
What is your job, previous job, or the job you applied for?	Date Hired: ____/____/____ Job Title at Hire: _____ Annual Pay Rate When Hired: _____ Last or Current Annual Pay Rate: _____ Job Title at Time of Alleged Discrimination: _____ Date Your Employment Ended: ____/____/____ Select One: Quit <input type="checkbox"/> Discharged/Laid off <input type="checkbox"/> Name and Title of your Immediate Supervisor: _____ Job Applicants - What was the title of the job you applied for: _____ Date you applied: ____/____/____ Date you found out you were not hired: ____/____/____
Was another person in the same or similar situation treated the same, better, or worse than you? EXAMPLES: Who else applied for the same job? Who else had the same attendance record? Who else had the same performance appraisal?	
Who was treated BETTER than you?	1. Name: _____ Job Title: _____ Email: _____ Check how they are different from you: Race <input type="checkbox"/> Color <input type="checkbox"/> Religion <input type="checkbox"/> Sex <input type="checkbox"/> National Origin <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> How were they treated better? _____ _____ Date: ____/____/____ 2. Name: _____ Job Title: _____ Email: _____ Check how they are different from you: Race <input type="checkbox"/> Color <input type="checkbox"/> Religion <input type="checkbox"/> Sex <input type="checkbox"/> National Origin <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> How were they treated better? _____ _____ Date: ____/____/____
Who was treated WORSE than you?	Name: _____ Job Title: _____ Email: _____ Check how they are different from you: Race <input type="checkbox"/> Color <input type="checkbox"/> Religion <input type="checkbox"/> Sex <input type="checkbox"/> National Origin <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> How were they treated worse? _____ _____ Date: ____/____/____
Who was treated the SAME as you?	Name: _____ Job Title: _____ Email: _____ Check how they are different from you: Race <input type="checkbox"/> Color <input type="checkbox"/> Religion <input type="checkbox"/> Sex <input type="checkbox"/> National Origin <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> How were they treated the same? _____ _____ Date: ____/____/____

THIS PRE-CHARGE INQUIRY IS NOT A CHARGE OF DISCRIMINATION

<p>Are there any witnesses to any of the job actions taken against you? If yes, please provide their contact information and tell us what they will say.</p>	<p>1. Name: _____ Job Title: _____ Email: _____ Phone: () _____ What will they tell us? _____ _____ 2. Name: _____ Job Title: _____ Email: _____ Phone: () _____ What will they tell us? _____ _____</p>
<p>Have you already filed a charge on this matter with the EEOC?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> If yes: Date you filed: ____/____/____ Charge Number: _____</p>
<p>Have you filed a complaint on this matter with another agency?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> If yes: Agency name: _____ Date you filed: ____/____/____ Complaint Number: _____</p>
<p>Do you have someone representing you in this matter?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> If yes: Attorney <input type="checkbox"/> Union <input type="checkbox"/> Other <input type="checkbox"/> Name: _____ Date of Contact: ____/____/____ Email: _____ Phone: _____</p>
<p>Who can we contact if we are unable to reach you?</p>	<p>Name: _____ Relationship: _____ Address: _____ City: _____ State: _____ Zip Code: _____ Email: _____ Home Phone: () _____ Cell: () _____</p>
<p>Privacy Act Statement</p>	<p>This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are: 1) EEOC PRE-CHARGE INQUIRY, FORM 290A, ISSUED OCTOBER 2017. 2) AUTHORITY. 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626. 42 U.S.C. §12117(a). 3) PRINCIPAL PURPOSE. The purpose of this form is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge counseling, if appropriate. 4) ROUTINE USES. EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters. 5) WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing this information is voluntary but the failure to do so may hamper the Commission's assessment of your situation. It is not mandatory that this form be used to provide the requested information. EEOC Pre-Charge Inquiry, Form 290A, issued October 2017.</p>
<p>Please note: You must file a charge of job discrimination within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located where a state or local government agency enforces job discrimination laws on the same basis as the EEOC's laws. This Pre-Charge Inquiry is not a charge. If you would like to file a charge of discrimination immediately, contact the EEOC office on the cover letter. We recommend that you keep a copy of your completed Pre-Charge Inquiry and the Cover Letter for your records.</p>	

THIS PRE-CHARGE INQUIRY IS NOT A CHARGE OF DISCRIMINATION

COMPLAINT

- Discrimination
- Sexual Harassment
- Mental Abuse

Starting from day one at Chicago Cut and continuing every day for almost a full year my co-workers and managers made fun of me. It was a very stressful year, but I needed the money and didn't want to cause any trouble. I just wanted to go to work, make my money, and leave.

When meeting the owners I received an email saying I would make \$70,000 plus a bonus for the GM position at Southern Cut and after 6 months I was told we will talk about raising the salary. Initially I was assigned a 2-3 week period to learn the system at Chicago Cut, this turned into 2-3 months and only 60,000 with no bonus. Not only do I feel shorted of the money I was promised but I also feel I was mentally abused.

Here are several quotes I have in writing outlining the discrimination:

- It is no question my English is not perfect, especially when writing. I sent an email to all staff including the two owners, where I implied that summer is coming so making sure the patio is clean and set up every morning and evening. Jamie Bowler insulted my and made fun of my English mimicking my words saying "I agree I also want everyone to know I am trying my best to make sure summer is coming."
- Servers laughed at my use of the word brush instead of broom
- Steve spoke out loud calling me a "stinky/smelly eastern European"
- Servers would compare me to Borat and constantly made fun of my accent.

My first week was very hard because there was an established group of employees that ganged -up and treated me like garbage. No one cared to stop the employees discriminating behavior. I was very upset and sad because I came there to work as a manager where I was supposed to report to the owners. One night Brandon (head of managers), Marshall and myself were in front of the host stand, one of the hosts was showing me how to work the PS system. In front of about 10 people, Server Chris who's been there around 8 years pulled is left hand in a circle and right pointer finger saying "I have a small dick, and all eastern Europeans have small dicks." In this moment server Dayna came up next to him and used her pointer finger to further imply with Chris that "eastern Europeans have a small dick" and that she couldn't find the left hand hole because "my dick was too small." I responded "who said that" and he said "I know, all eastern Europeans have small dicks, they cannot fuck" everyone began laughing including Marshall and Brandon. Immediately after I told Brandon I felt sexually harassed and asked why he didn't say anything but rather laughed. He is head of managers after all... I didn't expect this behavior. After 3 days of work I decided to put the situation behind me because I just wanted to work. 2-3 days later server Chris insulted both my mother and sister saying "You're sister tasted really good last night." I felt sexually harassed, uncomfortable, and sad that someone

would disrespect me this way, and not one manager did anything to confront this bully. On Tuesday March 27th I emailed details of these harassments to owner, Matt More and GM, John Gurgone and there was not a single response.

I tried to leave these negative behaviors and people out of my personal life but after a long shift I received a private Instagram message from employee Drew Bekius saying "I want you" and "Sexy Ass." Both of these messages made be very uncomfortable to return to work but I had to make my money.

After two or three months at Chicago Cut they sent me to Southern Cut BBQ. After talking to Matt Moore it was the understanding that I would be General Manager and that I wouldn't have to worry about office work because my English isn't great. 1 day before sending me he decided to tell me I have to do everything including office work and closing, this was not the original negotiated plan. They then said I would have to build my team from scratch and report to him on every detail of the restaurant. I respectfully did as I was told. At Southern Cut there was also an established group of employees that were slacking in their duties. The owners asked me to fire Abraham after I reported on his bad behavior. Abraham then sent me a threatening text, which I reported to Matt and nothing was done. It "You're such a little pussy trying to act like a man but your nothing but a bitch you got a little victory but this is far from over. It's no secret you on some shady shit, but this is Chicago so watch your back. Not everyone is fresh off the border." I felt threatened. This goes to show how much I put up with as I worked for Matt More. After 3-4 months a new manager was sent in to Southern Cut, who bossed me around and acted as if he had my GM position, I didn't understand why someone else would be coming to take over my position. After an email correspondence from Thursday July 5th it was clear Jessica (who was there 2 days) and chef Toni were plotting against me to try to peg me as the bad guy. I feel the 7 GM's who were fired in 6 months dealt with these problems as well. Soon after David and Livia showed up at Southern Cut and asked me to get in the car where he didn't tell me where we were going, he then informed me during the drive he was headed to Chicago Cut where I would then work. I was confused- as I was GM in Southern Cut.

On August 3rd at 3:30 p.m. Matt Moore was sitting on the patio, I asked him a question and he responded "fuck you" This is not a phrase I ever expected from the owner. What I was trying to inform him was that I had my oath to become a US citizen the next day and that I could be a couple min late, but I did not want to call off. He responded that after I become a citizen the stock market was going to crash. This made me upset that he would make fun of me in such a way.

One week before being fired Matt was enraged and screaming when I showed up to work. He told 3 of the managers myself included not to move from the host stand. We all felt belittled and useless. He continually said "I don't give a shit about anyone" and "I don't give a fuck about anyone." Even Marshall said "I feel like a kid not a manager." If I was supposed to be security at the front of the door I should have been hired as that, not a manager. There was not

a single manager on the floor for 4 hours that night. I was not even clocked in, as my shift was scheduled for 2:00 and this happened around 1:30.

After sending an email on Sunday August 26th outlining everything that has happened, there was no meeting or apology, but instead they ignored me every time I tried to make contact. They started screaming and looking for reasons to fire me. They then told me a lady felt uncomfortable because I was "flirting with her." They fired me on a Tuesday, David told me come in the private room with one of the office women who said we had a complaint from a customer who had Marco as a server. She said she felt uncomfortable as I gave her my business card. It had been one week so I didn't recall the exact situation as there were often complaints. He said I was suspended for 1-2 days. After leaving the restaurant I looked at the pass along report where I formally reported the complaint and gave them desert and a glass of wine on the houses since they were sitting under the tree's and a bug was in both wine glasses. She also complained the steak was too fat, whereby I used my phone flash to check the temperature of the steak. I then went to the kitchen and asked for a new steak to be made with less fat, chef said all the steaks are the same, I said "can you try to cut the fat off the steak if possible and I will wait until it's cooked." The situation ended where the women was happy, and I checked after 2-3 times with the table to ensure this was the case. I gave her my business card and told her to feel free to contact me and I would assist her any time she came in the future. Finally, Friday David texted me to come to the restaurant, prior to arriving to the restaurant he blocked my email address. I walked inside to see David, Matt, and Livia, who pulled 2 wright ups for me to sign at the same time. I asked where they came from? He said table 407 and 408 which are not used for the party number he claimed was making the complaint- I have never had any write up in the past. They were false accusations.

After numerous times voicing my complaints, specifically on Sunday August 26th via email to Matt Moore and Livia Matergrano, and David Flom nothing was done to remedy my complaints other than a text message from Matt More, saying "don't copy Livia on emails to me.." Not only were my complaints from southern cut and Chicago cut swept under the rug, but there was no apology, meeting, or anything for that matter to address these serious discriminations within their institute.



Exhibit 1
Docket # 1829668

David Flom <david.flom@chicagocutsteakhouse.com>

Armend T.

Robert Maguire <robert.maguire@chicagocutsteakhouse.com>

Sat, Sep 8, 2018 at 4:55 PM

To: David Flom <david.flom@chicagocutsteakhouse.com>, Matt Moore <matt.moore@chicagocutsteakhouse.com>

Today I received a phone call from Megan Schaus who had dinner with us on Tuesday the 4th of September at 6:30 pm. She sat at table 807 and Marco was her server. She told me she typically likes to have Stephen as her server, but he was not available. She complained about Marco being too pushy when she said her steak was under cooked and he tried to convince her that it was not. I spoke to Marco about this already... Her big complaint is that Armani gave his cell phone number to her daughter, there at the table and kept walking by the table flashing his cell phone at her, "as in why haven't you text me yet". Megan also said if there would of been a man at their table she feels this would of never happened, and loves Chicago Cut but does not feel comfortable coming here when things like this happen to her daughter who did not want anything to do with Armani. I apologized and told her we would be calling her back in the near future.

Her phone # : 630.202.4621

Sincerely,
Robert Maguire

Exhibit 3 Docket # 1825600

CCS DISCIPLINARY NOTICE AND ACTION FORM

Employee: <u>Amenul Tunava</u>		Position: <u>Manager</u>	
Date of Incident: <u>9/14/18</u>		Time: <u>1230 p</u>	
VIOLATION:			
<input type="checkbox"/> INSUBORDINATION	<input type="checkbox"/> ABSENTEEISM	<input checked="" type="checkbox"/> RULE VIOLATION	<input type="checkbox"/> WORK QUALITY
<input type="checkbox"/> NO-CALL/NO-SHOW	<input type="checkbox"/> TARDINESS	<input checked="" type="checkbox"/> HARASSMENT	<input type="checkbox"/> ATTITUDE
<input checked="" type="checkbox"/> VIOLATION OF REGULATORY POLICY	<input type="checkbox"/> FAILURE TO FOLLOW INSTRUCTIONS	<input type="checkbox"/> FALSIFICATION	<input type="checkbox"/> DRESS CODE
		<input type="checkbox"/> SAFETY VIOLATION	<input type="checkbox"/> MISCONDUCT
		OTHER	
COMPANY STATEMENT [provide details of when, why, how, and what happened; use additional sheets if necessary]:			
<u>Guest complained that Amenul "slipped" her daughter his cell phone number and both the mother and daughter complained that he walked by</u>			
Signed: <u>[Signature]</u>	Title: <u>Manager</u>	Date: <u>9/14/18</u>	
EMPLOYEE STATEMENT: <input type="checkbox"/> I agree with Company Statement <input type="checkbox"/> I disagree with Company Statement			
Reasons:			
Signed:		Date:	
ACTION TO BE TAKEN NOW:	<input type="checkbox"/> WARNING	<input type="checkbox"/> FINAL WARNING	<input checked="" type="checkbox"/> DISCHARGE
			<input type="checkbox"/> OTHER
NEXT VIOLATION WILL RESULT IN:	<input type="checkbox"/> WARNING	<input type="checkbox"/> FINAL WARNING	<input type="checkbox"/> DISCHARGE
			<input type="checkbox"/> OTHER
ADDITIONAL CORRECTIVE ACTION:			
I acknowledge receipt of this Disciplinary Notice.	Employee's Signature: <u>refusal to sign</u>	Date: <u>9/14/18</u>	
I have discussed this Disciplinary Notice with the employee.	Supervisor's Signature: <u>[Signature]</u>	Date: <u>9/14/18</u>	

Witness Signature: Matt Wood Managing Partner 9/14/18 Date: [Signature]

Print Name: _____

CCS DISCIPLINARY NOTICE AND ACTION FORM

Employee: Amerl TnavaPosition: ManagerDate of Incident: 9/14/18Time: 12:30 p**VIOLATION:**

- | | | | | |
|--|---|--|---------------------------------------|---|
| <input type="checkbox"/> INSUBORDINATION | <input type="checkbox"/> ABSENTEEISM | <input checked="" type="checkbox"/> RULE VIOLATION | <input type="checkbox"/> WORK QUALITY | <input type="checkbox"/> SAFETY VIOLATION |
| <input type="checkbox"/> NO-CALL/NO-SHOW | <input type="checkbox"/> TARDINESS | <input checked="" type="checkbox"/> HARASSMENT | <input type="checkbox"/> ATTITUDE | <input type="checkbox"/> MISCONDUCT |
| <input checked="" type="checkbox"/> VIOLATION OF REGULATORY POLICY | <input type="checkbox"/> FAILURE TO FOLLOW INSTRUCTIONS | <input type="checkbox"/> FALSIFICATION | <input type="checkbox"/> DRESS CODE | OTHER |

COMPANY STATEMENT [provide details of when, why, how, and what happened; use additional sheets if necessary]:

Based on the fact that this was the fourth incident of complaint by a guest about making physical/sexual/hitting on advances on them we file

Signed: [Signature]Title: Manager ParkerDate: 9/14/18

EMPLOYEE STATEMENT: ☐ I agree with Company Statement ☐ I disagree with Company Statement

Reasons:

Signed:

Date:

ACTION TO BE TAKEN NOW:☐ WARNING☐ FINAL WARNING☒ DISCHARGE☐ OTHER**NEXT VIOLATION WILL RESULT IN:**☐ WARNING☐ FINAL WARNING☐ DISCHARGE☐ OTHER**ADDITIONAL CORRECTIVE ACTION:**

I acknowledge receipt of this Disciplinary Notice.

Employee's Signature:

refused to sign

Date:

9/14/18

I have discussed this Disciplinary Notice with the employee.

Supervisor's Signature

[Signature]

Date:

9/14/18Witness Signature: Matt Moore Manager Podroo 9/14/18

Print Name: _____



Armend Trnava <armend.trnava@chicagocutsteakhouse.com>

Robert C server 8.26.2018

1 message

Armend Trnava <armend.trnava@chicagocutsteakhouse.com>

Sun, Aug 26, 2018 at 10:27 PM

To: Livia Mategrano <livia.mategrano@chicagocutsteakhouse.com>, Matt Moore <matt.moore@chicagocutsteakhouse.com>, David Flom <david.flom@chicagocutsteakhouse.com>

i am not goin to wright things in passalong,with all my respect for you,when i right things abut stuff in passalong wich they should be to repoert all information like Matt say all manager abut all days report,,next day whatever i wright in passalong the server been bully or mean or talking shit i cant tell from helicopter includet with manager together,next day has even manager dosent say hi or server,realy i dont carecos i doing my jobe, let me tell you somthing ,i work for DAVID AND MATT MOORE,thets from who i take the order,if david and matt telling me take the table to the river i will take in river ok,good idea or not good idea your my boss, manager who used to work bifer here and some here stil, make you look both of you idiots or bastards,cos manager are weak,they dont care,frends with everyone,they been here for long time,and they dont do the jobe,and after you guys screamning makeing ppl to do them job and make you look like idiots,to night i have server ROBER C t507 he ask me abut sous and i told him,do you know wher is>? its in kitchen move,just like MATT told me fuck you no more bullshit,go grab by your self,tell them like this,and he contionu to ask me,i say no you go,and he say walk away from my table,i say ecusme ,he say yes you hearm me walk away from my table,HE is the slolli one in all server,to day he start 3pm and i have to look in hoolyway or sonoma cos he got the table,and when he come to patio with sunshin glases fancy pancy, now even busserse with sunshine glases cos they looking more fancy,so the server to tell the manager like this thets is not good,Alison that moment she pass ther by table,and i told her have you hear what he say she say yeah just go crap,thets great thets awasum, cos insted all manager to be on side of each other and to be great time to suport each other,and we can stope all the server for layzi we can push all together each manager peac peac,and she talk like this,NO thets wrong you can make team like this,

honestly i am not goin to skip anymore anything,i am taired for bullshit with server,making fun,making joke,till the day we make meeting with MATT we was doing everything for them,the was doing nothing only takeing oredor,i mean nothing,making fun,making joke with you,making you look like really dush bags,like idiots,like you dont know nothing,and in top of that used some words wich the are really not really nice,stinky east europe ,or smelly east europe,or sexy, or making fun like brush brush cos i call brush insted brum, ALL this cos whatever i wright in passalong i thing thets what you want to know all for restorant, next day they trying to eat me or to distroy,honest i really i dont care,i am doing my job,i am doing what my boss ask me to do,and telling my boss whatever i se or i hear, next day the server coming to me say hey you should not tell to David and Matt everything whats going on,cos if you tell after ppl not giving you respect, honest i really i dont care,if its misteek its mistekeveryone can make misttek,if its not misttek and you continu to do it,i promiss i will,cos i am manager thets manager job,i can BE like other manager closed my eye or my ear and pretending like i dont know nothing or i dont se anything,NO whatever i se i will tell my boss,its not abut DAVID OR MATT its abut you respect your managment and your job,

i am sorry thets who i am,i dont care its david or MAtt in restorant i will do my best us i can,if i se something i will speak.



Armend Trnava <armend.trnava@socutbbq.com>

hi

1 message

Armend Trnava <armend.trnava@socutbbq.com>

Tue, Mar 27, 2018 at 5:17 PM

To: matt.more@chicagocutsteakhouse.com, john.gurgone@chicagocutsteakhouse.com

stive- he is whery boss you cant talk nothing with him,i told eather day abut hands out of pocket for 2 day roll.than i told you matt wich you saw by your self.you told me to say to him tell him matt say take of your hands out of pocket, he told me direkly on my face fuck Matt and fuck you,he acting each night like he dosent give a shit for anyone,i was even imbarising to tell you how he ans me back.its really not cool

markos,stiv- last night,i hear saying to bosboy in the way to home after them shift done,we wish was last day here from this shity place,

4-5 dayes a go i take one sup end of the night to eat en PDR ON THE BACK.i hear markos.ted. and the server with prety face i forget him name, the was checking out after the shift,they was saying this place is shit,they treating us shit,with out respect,i was in corner eating my sup i was lisen a bit,but after they saw me,they stope talking cos the was afraid to talk in front of me,

kris.its useing him words like 2,3 time,we was talking other day for somthing,and he say cos the are ASULL FOR OWENERS,its mean he was talking about Matt and DAVIT, they dosent give shit for uss,

KRIS- he is really with out education,with out respect,just like eather server SNEK ,he is really pizza of shit, he will deall with me cos i dont finish with him yet, in thyrday en friday both of you you will risiv the latters from me,how he talk abut i have smoll dick, all east europe having smoll dick in front of 10 ppl, same time was DANA server was enyoi her,talk abut shit dick, thets you will have all inf in thyrday,cos i got taired how they treasting me ,

after 2,3 day same kris talk about my mather and sister wich is really not cool.

plaesss plaess dont mashen my name,plaesss



Armend Trnava <armend.trnava@chicagocutsteakhouse.com>

Passalong

2 messages

Marshall Johnson <marshall.johnson@chicagocutsteakhouse.com>

Wed, Sep 5, 2018 at 1:59 AM

To: Marshall Johnson <marshall.johnson@chicagocutsteakhouse.com>, "to: Steffen Iserloth" <steffen.iserloth@chicagocutsteakhouse.com>, "to: Brenden Kirby" <brenden.kirby@chicagocutsteakhouse.com>, David Flom <david.flom@chicagocutsteakhouse.com>, Dennis Gacek <dennis.gacek@chicagocutsteakhouse.com>, Livia Mategrano <livia.mategrano@chicagocutsteakhouse.com>, Matt Moore <matt.moore@chicagocutsteakhouse.com>, Patrick OConnor <pj@chicagocutsteakhouse.com>, Alfredo Valencia <alfredo.valencia@chicagocutsteakhouse.com>, Phillip Chenevert <phillip.chenevert@socutbbq.com>, Allison Stange <allison.stange@chicagocutsteakhouse.com>, Steven Johnson <steven.johnson@chicagocutsteakhouse.com>, Armend Trnava <armend.trnava@chicagocutsteakhouse.com>, Patrick Hansen <patrick.hansen@chicagocutsteakhouse.com>, Allison Diedrich <allison.diedrich@chicagocutsteakhouse.com>, Robert Maguire <robert.maguire@chicagocutsteakhouse.com>, Sara Scarlata <sara.scarlata@chicagocutsteakhouse.com>

Weather	Temp	H: 93	L: 81	CONDITION	Hot/Humid
DAY	Tuesday			DATE	9.4.18
Net Sales		\$27,823.30		Total Comps	\$4,560.70
Last Years Net Sales		\$64,277.00		Last Years Total Comps	\$5,554.25

INCIDENTS/ POSITIVE POINTS

Phillip: The Day after Labor Day was a bit quiet. It was also on the hot side which made most guests opt for indoor seating. Isabella, the new host-in-training did well today and with a nice bubbly personality. She trained with both Tylar and Savannah today. Breakfast ended in 26 covers and lunch ended in 100 covers. No problems/issues **Robert:** As Phil mentioned, there was not much to lunch today. We almost filled up the dining room once, after that it was just a table here and there. Dinner was not much different, but the weather allowed us to seat the patio all night with 10 tables in the 800s. T506 entrees came out and one of the ladies was missing her 2 lobster tails. I had another table go out, but the sides never came until we got to the kitchen to ask for them. The new hostesses that were training today seemed to really be picking things up quickly especially Isabella. **ARMANI;** was smooth night, beautiful weather, we have great gust in house, service was good, food was from kitchen ok, i have one re-fire t807 the woman she didn't like the steak, start complaining to much fat. i have to make new one, i but desert she, i talk a bit she was happy, the rest of table food coming on time, it was ok night not so much busy probably after hollyday, ..**Valencia**.. slow tuesday after labor day we end up doing 215 covers we only had one turn after that dead i cut every body and stay only with the closers we did not 86 anything i did see 1 re-fire it was a bone in newyork they order it medium and it was perfect but customer decided he wants a mrlus we cooked a new one and then he send it back that he want it medium again we cooked a little bit more and was happy also a newyork they send it back because they said they do not want any fat on the stake and they want a new one we trim all the fat and cooked a new steak and they were pleased no other issues to report over all very smooth tuesday. **Marshall:** Slower day than usual due to holiday. The day after a three weekend holiday is normally slower. 1st turn was a larger pop most tables wanted to enjoy the patio. Had Ryan Dempster in at T505 they really enjoyed their time with us. 2nd turn was a bit lighter but saw more MDR action. I mostly stayed that the door to support hosts. Had an issue with T4. NY strip was cooked at perfect medium but the guest didn't think so we got a new one out and this one was undercooked. Cooked it up and it came out perfectly.



Armend Trnava <armend.trnava@socutbbq.com>

FRONT OFF HOUS

3 messages

Armend Trnava <armend.trnava@socutbbq.com>

Tue, Apr 24, 2018 at 4:23 PM

To: "To: Eloy Chimbo" <eloychimbo11@gmail.com>, Luis Serrano <serranoluis314@yahoo.com>, manuelchimbo287@yahoo.com, Omar Bârcenas <obarneas@gmail.com>, Rigo Espinoza <rigoe3502@gmail.com>, Christian Morocho <morochochristian0@gmail.com>, Lumy My <maluzpina@yahoo.com>, norma saavedra <normaash@live.com>, Brian Crutchett <bcbcrutch8@gmail.com>, Kristy Conroyd <kconroyd@gmail.com>, Omar Barcenias <obarneas33@gmail.com>, josefernandez050778@gmail.com, Jessica Rzaab <jessicarzaab@aol.com>, Bridget Roman <bridgetm.roman@gmail.com>, thanise skouras <thanise01@gmail.com>, Jana Booze <jananbooze@gmail.com>, Marciano Spencer <marciano8605@gmail.com>, Jamie Bowler <jpbowler1@gmail.com>, Colan Fallon <colan.fallon@socutbbq.com>, Livia Mategrano <livia.mategrano@chicagocutsteakhouse.com>, Dennis Gacek <dennis.gacek@chicagocutsteakhouse.com>, Constance Brimage <cbrimage3@gmail.com>, Michael Genovise <michael.genovise@socutbbq.com>, Soapy Pints <aleciawells@gmail.com>, shaun_conger@yahoo.com, sofia barraza@gmail.com, Enrique Martinez <enrique7martinezjr@gmail.com>, Jess M <jessm28.jm@gmail.com>, asizquierdo0710@gmail.com, Jorge Mendoza <topota@sbcglobal.net>, Chris Cueva <crcueva33@hotmail.com>, David Flom <david.flom@chicagocutsteakhouse.com>, matt.more@chicagocutsteakhouse.com, Melissa Bland <melissabland24@gmail.com>

1. MAKE SURE SUMMER IS COMING PAITO OUTSIDE HAS TO BE CLEAN ,SET UP , EVERYDAY MORNING AND EVENING
2. DO NOT TAKE CANDLES OFF TABLES UNTIL 11:30 PM
3. DO NOT TOUCH MY LIGHT IN RESTAURANT AND BAR TIL I SAY IT
4. NOBODY CAN'T CUT ANYBODY BUT MYSELF AND MIKE,AND STATION
5. DO NOT TOUCH MUSIC OR TV WITH OUT MYSELF OR MIKE
- 6.YOU MUST KEEP BACK STAIR WELL CLEAN AND YOUR GARBAGE
7. DO NOT DISTURB MANAGER IN PRE SHIFT OR MAKE LAUGH OR FUN YOU NEED TO TAKE MORE SERIOUS BECAUSE YOU WILL BE CUT EARLY AND HAVE PROBLEM WITH SCHEDULE. TAKE MORE SERRIOS YORE JOB.
8. MAKE SURE CLOCK OUT AND CLOCK IN ALL DAYS WORKING. BECAUSE YOU DONT FORGET TO CLOCK IN BUT YOU FORGET TO CLOCK OUT.DO NOT MAKE ME STUPID

Jamie Bowler <jpbowler1@gmail.com>

Tue, Apr 24, 2018 at 7:27 PM

To: Armend Trnava <armend.trnava@socutbbq.com>

Cc: "To: Eloy Chimbo" <eloychimbo11@gmail.com>, Luis Serrano <serranoluis314@yahoo.com>, manuelchimbo287@yahoo.com, Omar Bârcenas <obarneas@gmail.com>, Rigo Espinoza <rigoe3502@gmail.com>, Christian Morocho <morochochristian0@gmail.com>, Lumy My <maluzpina@yahoo.com>, norma saavedra <normaash@live.com>, Brian Crutchett <bcbcrutch8@gmail.com>, Kristy Conroyd <kconroyd@gmail.com>, Omar Barcenias <obarneas33@gmail.com>, josefernandez050778@gmail.com, Jessica Rzaab <jessicarzaab@aol.com>, Bridget Roman <bridgetm.roman@gmail.com>, thanise skouras <thanise01@gmail.com>, Jana Booze <jananbooze@gmail.com>, Marciano Spencer <marciano8605@gmail.com>, Colan Fallon <colan.fallon@socutbbq.com>, Livia Mategrano <livia.mategrano@chicagocutsteakhouse.com>, Dennis Gacek <dennis.gacek@chicagocutsteakhouse.com>, Constance Brimage <cbrimage3@gmail.com>, Michael Genovise <michael.genovise@socutbbq.com>, Soapy Pints <aleciawells@gmail.com>, shaun_conger@yahoo.com, sofia barraza@gmail.com, Enrique Martinez <enrique7martinezjr@gmail.com>, Jess M <jessm28.jm@gmail.com>, asizquierdo0710@gmail.com, Jorge Mendoza <topota@sbcglobal.net>, Chris Cueva <crcueva33@hotmail.com>, David Flom <david.flom@chicagocutsteakhouse.com>, matt.more@chicagocutsteakhouse.com, Melissa Bland <melissabland24@gmail.com>

I know it's been really cold and it doesn't feel like summer will ever come but I agree I also want everyone to know I am trying my best to make sure summer is coming.

Sent from my iPhone



Armend Trnava <armend.trnava@socutbbq.com>

6/27/2018

Armend Trnava <armend.trnava@socutbbq.com>

Thu, Jun 28, 2018 at 1:17 AM

To: David Flom <david.flom@chicagocutsteakhouse.com>, Matt Moore <matt.moore@chicagocutsteakhouse.com>, Livia Mategrano <livia.mategrano@chicagocutsteakhouse.com>, Armend Trnava <armend.trnava@socutbbq.com>

jessica,brain,toni, this ppl are cancer of restorant,

saterday night cheef DIN soon us he left restorant abut 9 or 9:30pm i thing,street away brain,calum and cheef toni getting together,and all talk sheet,crappy stuf,to night i was almost sending jessica at home,cos she dosent want to lissten,she keep asking why you have to send desert to table,why this,why this things like this,why you dont do like this,why this ppl like this,and i told her many time i dont listen to you and i am not like other manager,i send you in home,and to night she told me same,i told her i send you in home i try to give you respect but i will,,and she say do it,i call David, and all i say to her go had,you thing i am afarid,you dont listen and collecting other server and just talk talk shit believe me or not, i will send you , i dont let ppl play around, whatever she say she thing i will say YES SIR,like other manager, and if you say to her no,she freaking out cos she thing she can do whatever she want in her way,, i am sorry but i dont let stuff to controll me,thets who i am,cos if i let they will eat me live, i am sorry i know we are defecult moment we have so many new emply and we are in a bad situation,and i am relly becerful on it, but this ppl are really not good for future of restorant,

. i take 2 of new server in office after bussy,i told to them,if you ever had problem tell me,i am here to help or suport anyone i can,dont listten what ppl say,dont look ppl they calling off or coming latte and after just keep talking all night crappy stuff ,and they thginging they can do whatever they like, this place its great,you can make money and you enyoi your work,



Armend Trnava <armend.trnava@chicagocutsteakhouse.com>

(no subject)

1 message

Armend Trnava <armend.trnava@socutbbq.com>

Fri, Jun 29, 2018 at 8:14 PM

To: Matt Moore <matt.moore@chicagocutsteakhouse.com>, David Flom <david.flom@chicagocutsteakhouse.com>, Livia Mategrano <livia.mategrano@chicagocutsteakhouse.com>, Dennis Gacek <dennis.gacek@chicagocutsteakhouse.com>

david and matt, ones again i notice cheef TONI and server, jessica and brain all night talking,, but the had one is cheef TONI., plaess look the camera to night and yesterday,from 4;30pm or 5 pm all night just talk negativ abut restorant and management stuff, make my jobe very difficult,new server or new employ coming,they livine or quitting whery fast cos after he talking to them,wenesday night,he talk to jessica craver almost all night, and David next day you have email from her,cos Ton cheef he talk negativ and shit,thets all what he das all night, to night MIKE g manager tall me, cheef TONI told Mike he make jessica to wright email to David , he collect all server each night and also new server by kitchen and talking and entertaining them with all of his negative B.S to night he make even jessica server to wright you email or 2 week notice,i am sure you gone risive from her email to night, each prishift i make with stuff,he make fun with me,he make joke with my eccsent, whatever i say or i do you collect all server and he make fun and joke abut me.



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armend@armendtrnava...

Notes

More



Armend



Samil Ozavar

Southern Cut Barbecue Offer Letter

Inbox x

Jenna Salerno <jsalerno@stratex.com>
to Armend

Hi Armend-

First off congratulations on your offer with Southern Cut Barbecue. My name is Jenna Salerno and I am the HR Account Manager for the benefit information. Please read through the document carefully

Once you have read through the details of your offer letter, please sign and date the document and send back to me. You can send this

If you have any questions please feel free to contact me.

Best-

Jenna Salerno, PHR
Senior HR Account Manager

PHONE 312-216-2237 | FAX 312-212-5560
jsalerno@stratex.com

444 N Michigan Ave | Suite 2800 | Chicago, IL 60611

stratex.com

Please note I will be out of the office starting Friday December 22nd and returning Tuesday J:

StratEx will be closed on Monday December 25th and Monday January 1st.





December 14, 2017

Dear Armend Armani Trnava-

I am pleased to confirm that after careful consideration; South Cut Barbeque has decided to extend to you an offer of employment starting on December 18th, 2017. The details of your offer are as follows:

Your position with the Company will be General Manager, and you will be expected to perform the job duties as described during the interview process. Your immediate supervisor will be David Flom and Matt Moore. The Company reserves the right to change your hours and duties as it deems necessary.

As previously discussed, you will receive a salary of \$2,692.31 pay period. Southern Cut runs on a bi-weekly payroll schedule, therefore if you work for the restaurant for the entirety of a full payroll year, 26 pay periods, your annual salary should be approximately \$70,000.00. As a General Manager, you are eligible for the Company's comprehensive health care benefits program after 30 days. Medical and Dental benefits are offered with a 50/50 split in premiums between the employee and employer. Furthermore, as a General Manager you will be eligible for two weeks of vacation that will start accruing 6 months after your hire date and a possible 10% bonus based on your performance and profitability of the restaurant. You will also receive five (5) paid sick days upon date of hire, however you are not eligible to use them until after 6 months of service. You will be eligible for three weeks of vacation after three years of service with Southern Cut.

Your employment with the Company is at-will, meaning either you or the Company may terminate the employment relationship at any time, with or without notice, and with or without cause, for any reason. To ensure a smooth transition into your new position at Southern Cut Barbeque, we will review your performance three months after your start date.

As a Company employee, you will be expected to abide by Company rules and policies as described in the Chicago Cut Employee Handbook. You may not disclose confidential Company information to unauthorized third parties.

This letter forms the complete and exclusive statement of employment between you and the Company. These employment terms supercede any other agreements, understandings, promises, or communications, written or oral, by or on behalf of the Company. This offer is contingent upon your successful completion of a background check and providing us appropriate proof of your identity and eligibility to work in the United States. We ask that you provide us this proof on your first day of employment because, under Federal law, we must verify your identity and authorization to work in the United States within three (3) days of your hire.

Should you choose to accept this offer of employment, please sign and date this letter and return to Jenna Salerno at Stratex Partners as soon as possible (444 N Michigan Ave, Suite 2800, Chicago, IL 60611) I hope you accept this offer, and I look forward to working with you.

Sincerely,

Chief Operating Officer

Chief Operating Officer _____ Date: _____

Employee _____ Date: _____

ZACHARY FLORENT

From: Armend Trnava <atrnav@gmail.com>
Sent: Wednesday, February 27, 2019 12:40 PM
To: ZACHARY FLORENT
Subject: Fwd: Hi
Attachments: To whom it may Concer1.docx

----- Forwarded message -----

From: **Armend Trnava** <atrnav@gmail.com>
Date: Wed, Feb 27, 2019 at 9:44 AM
Subject: Hi
To: <zachary.florent@eeoc.gov>

To whom it may Concern:

My name is Michael Genovese I was working for Southern Cut BBQ from December 29 ,2017 thru January 13,2018. I was a Assistant GM to Armend Trnava who was one of 8 General Managers I worked with within 1 years time. We worked under a very hostile environment. No matter what action was taken to address productive or problems at hand GM's as well as myself where violated with cruel and painful rhetoric. This included yelling swearing and condescending vulgarity. Also lie's about employee's and things they did not do, but where said they did. I did see like all other s how Armend was wrongfully treated. In the end of my employment there, I was let go for no reason. Finally when pushed for a reason I was told the position has been eliminated. This was told B.S. After my dismissal GM Stephen Taylor who gave me my bad news, resigned as well when told by ownership, that his family meant nothing and his job was everything. He need to understand that and ownership did care anything about his family only Southern Cut BBQ. Now I considerable cleaned that up. Without the ten condescending vulgarity adjectives that went with it. Any other assistants please let me know.

Thank You

Michael Genovese

TAB D

**Respondent's
Evidence**



April 3, 2019

Writer's Direct Dial: (312) 494-5322

VIA DIGITAL CHARGE SYSTEM

Ms. Kara Mitchell
Investigator
U.S. Equal Employment Opportunity Commission
500 West Madison Street, Suite 2000
Chicago, Illinois 60661

Re: Armend A. Trnava v. Chicago Cut Steakhouse
EEOC Charge No. 440-2019-02760

Dear Investigator Mitchell:

This Firm represents the Respondent, Chicago Cut Steakhouse LLC (the “Respondent” or the “Company”), in the above-referenced Charge of Discrimination (the “Charge”) filed by Armend A. Trnava (the “Charging Party”). Please direct all communication in this matter to me. This correspondence constitutes the Company’s initial Position Statement in the above-referenced Charge.¹

The Charging Party claims discrimination based on a laundry list of protected classes: race, sex, religion and national origin. The Charging Party was employed for six months and was terminated after he made unwanted advances towards female guests on two occasions. The Charging Party believes that his misconduct should not have warranted termination and claims that the same persons who hired him six months earlier terminated him because of his race (Caucasian), sex (Male), religion (Muslim) and national origin (Kosovo). However, these protected classes did not change when he was hired, so it is puzzling why he would be hired and fired in six months by the same persons he alleges discriminated against him. What is more puzzling, both decision makers involved his hiring and discharge are male and Caucasian. The Charge is without merit and should be dismissed.

¹ The EEOC’s procedures do not allow the Company to have access to statements, documents and other information from the Agency and other individuals who may have knowledge regarding the Charging Party’s claim, prior to the filing of the Position Statement. As a result, this Position Statement is necessarily limited, and may not include all facts and legal issues related to the Charging Party’s claim. By submitting this Position Statement, the Company in no way waives its right to present new or additional facts or arguments. Further, this Position Statement, while believed to be true and correct in all respects, does not constitute an affidavit and is not intended to be used as evidence of any kind at any trial or other court proceeding in connection with the above-referenced claim.



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What is more, the Charging Party has a side business suing his former employers. On March 14, 2018, he filed a lawsuit against another former alleging he was discriminated because of his race and national origin. *See* Exhibit 1 (the Complaint filed by the Charging Party against another employer). The Charging Party filed a Charge of Discrimination with the EEOC against his former employer prior to filing the lawsuit, which was dismissed on December 27, 2017. *Id.* (Exhibit 2 to the Complaint). Therefore, in less than a year the Charging Party filed a lawsuit against another former employee and this Charge against the Company.

I. STATEMENT OF FACTS

A. The Company and The Charging Party

The Company is a fine dining restaurant located in downtown Chicago. Its Managing Partners are David Flom (Male, White, Presbyterian, U.S.) (“Flom”) and Matt Moore (Male, White, Catholic, Ireland) (“Moore”). Flom and Moore run the day-to-day operations of the Company, including hiring, firing and supervising Managers. The Company’s restaurant is divided into the dinning room and kitchen operations. Restaurant Managers are responsible for supervising servers, bussers, hosts and bartenders, and for interacting with guests to ensure a superb dining experience. Success in the restaurant industry is based, in part, on maintaining good relationships with guests to obtain repeat business and for guests to made positive recommendations to friends.

On March 13, 2018, Flom and Moore hired the Charging Party. The Charging Party reported directly to them. The Charging Party initially worked as a General Manager at an affiliated restaurant called Southern Cut Barbeque. Due to poor job performance (see below), the Charging Party was demoted and transferred to be a Manager to Chicago Cut Steakhouse.

B. The Company’s Workplace Policies

1. The Equal Employment Opportunity Policy

The Company’s commitment to non-discrimination and anti-harassment is evidenced in its Equal Employment Opportunity Policy and its Policy Against Harassment.

The Equal Employment Opportunity Policy states, “It is our policy to promote equal employment opportunity through a positive, continuing program. This means that we will not discriminate against any employee or applicant for employment because of race...religion...national origin...or sex.” Exhibit 2. It further provides, “Equal employment opportunity will be extended to all persons, in all aspects of the employment relationship, including recruitment, hiring, training, promotion, transfer, discipline, layoff, recall and



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termination.” *Id.* Specifically, the Company’s prohibition against discrimination and harassment extends to such conduct “made *by* or toward our employees.” *Id.* (emphasis added).

2. The Policy Against Harassment

The Company maintains a separate, comprehensive Policy Against Harassment that prohibits all forms of harassment in the workplace, including sexual harassment. Exhibit 2. It applies to employees and non-employees, including guests. *Id.* The Policy Against Harassment specifically defines the conduct that constitutes sexual harassment:

Acts considered to constitute **SEXUAL HARASSMENT** include, but are not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (b) an individual’s submission to or rejection of such conduct is used as a basis for an employment decision affecting that individual; or (c) the purpose or the effect of such conduct is to substantially interfere with the affected individual’s work performance or to create an intimidating, hostile or offensive work environment. Some examples of unwelcome behavior that can be construed as sexual harassment include, but are not limited to: sexual advances, propositions, sexually suggestive gestures, sexual jokes, touching, physical assault, sexually explicit or suggestive objects or pictures, references to a person’s body parts, requests for sexual activity and/or sexually explicit conversation.

Id. (emphasis in original). Importantly, the Policy Against Harassment requires managers and supervisors to immediately report violations. *Id.*

3. Guest Relations

The Company’s Guest/Customer relations policy sets the Company’s expectations of how employees should interact with guests. Exhibit 3. Specifically, it states in part: “We expect you to treat all customers with respect and courtesy.” *Id.*

4. Code of Conduct

The Company’s Code of Conduct provides guidance to employees about the type of conduct that may result in disciplinary action. Exhibit 4. Although the Company normally engages in progressive discipline, the Code of Conduct policy allows the Company to bypass progressive discipline for more serious violations. *Id.* The Code of Conduct policy is divided into two sections. One section gives examples of the type of conduct that will result in



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immediate termination and another section gives examples of the type of conduct that will normally be subject to progressive discipline. Being rude or disrespectful to customers is identified as conduct that will lead to immediate termination. *Id.* at No. 19. Additionally, violating the Company's Policy Against Harassment is identified as conduct that will lead to immediate termination. *Id.* at 27.

At the time he was hired, the Charging Party received a copy of the Employee Handbook containing all of these policies. *See* Exhibit 9. The Charging Party also knew these policies because one of his job duties as a Manager was to enforce them.

C. The Charging Party's Poor Job Performance

The Charging Party was initially hired as a General Manager at Southern Cut Barbeque. His inability to effectively supervise employees, including his poor treatment of them, resulted in his demotion to Manager and transfer to Chicago Cut Steakhouse so that the Managing Partners who spend most of their time there could keep a closer eye on him. Specifically, the Charging Party was demeaning to employees.

D. The Charging Party Is Terminated Because He Made Unwanted Advances Towards Female Customers On Separate Two Occasions

On July 17, 2018, a table of ten guests had a business dinner. Only one of the guests was female. Exhibit 5.² Throughout the two-hour dinner, the Charging Party stopped by the table multiple times to talk to the guests. Each time he rested his hands on the female guest's shoulders. According to one of the guests who complained to Flom, the Charging Party put his hands on the female guest's shoulders "4/5 times." *Id.* The female guest became so uncomfortable that she asked the other male guests to pay attention next time the Charging Party stopped by. The host of the party complained to Flom. The guest later told Flom, "...I was in complete disbelief at the lack of professionalism and respect this individual had for guests. I was very disappointed that our visit was shadowed by the unwarranted advancements/harassment and was keen to share my displeasure with you in hopes no other guest would have to experience the same treatment." *Id.*

On September 8, 2018, the Company received another complaint from a guest about the Charging Party's conduct. The guest stated that she dined with her daughter on September 4, 2018. Exhibit 6.³ The guest complained that the Charging Party gave his cell phone number to

² The identities and telephone numbers of the guests have been redacted to maintain their privacy and the Company's relationships with guests.

³ *See* footnote 2.



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the guest's daughter while they were eating dinner. *Id.* The Charging Party brazenly did this right in front of her mother. *Id.* To make matters worse, the Charging Party kept walking by the table making gestures with his cell phone trying to encourage the guest's daughter to text him. *Id.* The guest was so upset at the Charging Party's conduct that she e-mailed her complaint to Flom and Moore, the Managing Partners. *Id.*

On September 14, 2018, Moore and Flom terminated the Charging Party because of his poor job performance and making unwanted, inappropriate advances towards female guests on September 8, 2018 and July 17, 2018. Exhibits 7 and 8.

II. LEGAL ANALYSIS

A. **The Charging Party Cannot Establish A *Prima Facie* Case of Race, Sex, Religion Or National Origin Discrimination**

The Charging Party cannot establish a *prima facie* case of race, sex, religion or national origin discrimination. To do so, the Charging Party bears the substantial evidentiary burden of proving all of the following elements for each claim: (1) he falls within a protected category; (2) he met the Company's legitimate job performance expectations; (3) he experienced an adverse employment action; and (4) similarly situated employees were treated more favorably than him. *Robin v. Espo Engineering Corp.*, 200 F.3d 1081, 1090 (7th Cir. 2000).⁴ Failure to make the required showing on any single element of the *prima facie* case requires the dismissal of his Charge. *Bio v. Federal Express Corp.*, 424 F.3d 593, 596 (7th Cir. 2005) ("The failure to establish any one of the initial four *prima facie* elements defeats a discrimination claim").

The Charging Party cannot meet the second and fourth elements of his *prima facie* case. The Charging Party was clearly not meeting the Company's legitimate job performance expectations. The Charging Party was employed for only six short months. During that short period of time, he was demoted from General Manager, transferred to another location and engaged in inappropriate conduct towards female guests on two occasions. The Charging Party was initially hired as a General Manager at Southern Cut Barbeque. His inability to effectively supervise employees, including his poor treatment of them, resulted in his demotion to Manager and transfer to Chicago Cut Steakhouse so that the Managing Partners who spend most of their time there could keep a close eye on him.

⁴ In *Ortiz v. Werner Enterprises, Inc.*, 834 F.3d 760, 764-765 (7th Cir. 2016), the Seventh Circuit rejected the distinction between the direct and indirect methods of proof in Title VII discrimination cases. The Seventh Circuit, however, also indicated that it was not barring a plaintiff from proceeding under the *McDonnell-Douglas* method, which was commonly referred to in the past as the indirect method. *Id.* at 766.



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After his transfer, the Charging Party twice engaged in inappropriate behavior towards female guests. In July 2018, the Charging Party put his hands on the shoulders of a female guest between four and five times while he was standing behind her. The female guest was so uncomfortable that she asked the male guests to watch the Charging Party. Then, in September 2018, the Charging Party gave his cell phone number to the daughter of a guest right in front of her mother. If that was not bad enough, the Charging Party walked by the table multiple times making gestures with his cell phone for the daughter to text him. What makes the Charging Party's conduct even more egregious is that he was a Manager responsible for enforcing the Company's Policy Against Harassment and Guest Relations and Code of Conduct policies. This final incident was the last straw and the Charging Party was discharged.

The Charging Party cannot meet the third element of his *prima facie* case because he has not identified one similarly situated person who demonstrated poor performance and engaged in this serious misconduct but was not discharged. This is because none exist. The Company has never allowed a manager who engaged in similar behavior to remain employed. Therefore, no similarly situated employee was treated more favorably than the Charging Party.

For all of these reasons, the Charging Party cannot establish a *prima facie* case of race, sex, religion or national origin discrimination.

B. The Charging Party Was Discharged for Legitimate, Non-Discriminatory Reasons, Which He Cannot Rebut

Even if the Charging Party can establish a *prima facie* case of race, sex, religion or national origin discrimination (which he cannot), he was discharged for legitimate, non-discriminatory reasons, which he cannot rebut. *Desert Palace, Inc. v. Costa*, 539 U.S. 90 (2003); *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133 (2000); *St. Mary's Honor Center v. Hicks*, 509 U.S. 502 (1993). To establish pretext, the Charging Party must show that the Company's proffered reason for discharging him was a lie to cover up its discriminatory motive. *See Morris v. Vanderburgh County Health Dep't*, 58 Fed. Appx. 654 (7th Cir. Feb. 26, 2003) (to demonstrate that the explanation was a lie, the employee needs to prove it had no basis in fact, was not the real reason for the decision, or was insufficient to motivate the action). Courts have repeatedly explained that they do act as a "super-personnel department" that reexamines a Company's business decisions. *Miller v. Borden, Inc.*, 168 F.3d 308, 315 (7th Cir. 1999) (internal citations omitted). Therefore, the Charging Party must show more than the Company's decision was a mistake, and it is not enough to show that its decision was factually wrong. *Debs v. Northeastern Illinois Univ.*, 153 F.3d 390, 395 (7th Cir. 1998).

As explained above, the Charging Party was discharged for poor job performance and twice engaged in inappropriate, unwanted advances towards female guests. The Company



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became aware of the inappropriate conduct only after the guests complained to the Managing Partners. The fact that the Company received complaints from two separate guests, which were documented in e-mails to the Managing Partners, conclusively establishes that the Company's decision was not a "lie" or pretext. There is no basis to infer that the stated reasons for the Charging Party's discharge had anything to do with his race, sex, religion or national origin.

What makes the Charging Party's race, sex, religion and national origin discrimination claims all the more tenuous is the fact that Flom and Moore hired the Charging Party in March 2018 and both made the decision to discharge him in September 2018; therefore, the "same actor inference" applies. *See EEOC v. Our Lady of the Resurrection Medical Ctr.*, 77 F.3d 145, 152 (7th Cir. 1996) (same actor inference -- the same individual who hires and fires an employee -- creates an inference of no discrimination).

The Charging Party's race and sex discrimination claim is also undermined by the fact that Flom and Moore are both Caucasian and male. It makes no sense that they would discharge the Charging Party who is of the same race and sex as them.

Accordingly, the Charging Party cannot show his discharge was pretextual and, therefore, the Charging Party's discrimination claims have no merit.

III. CONCLUSION

The foregoing facts and legal authorities demonstrate that the Company did not discharge the Charging Party because of his race, sex, religion or national origin. The Company has provided un rebuttable reasons for the Charging Party's discharge. For all of these reasons, the Charge should be dismissed in its entirety.

Respectfully submitted,

CHICAGO CUT STEAKHOUSE LLC

By: /s/ Antonio Caldarone
One of its Attorneys

Exhibit

1

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ARMEND TRNAVA,

Plaintiff,

v.

HEI HOSPITALITY, LLC, d/b/a CURRENT
RESTAURANT, a foreign limited liability
corporation,

Defendant.

No. 1:18-cv-1853

COMPLAINT AT LAW

NOW COMES the Plaintiff, ARMEND TRNAVA (“TRNAVA”), by and through his attorneys, the Law Offices of Eugene K. Hollander, and for his Complaint At Law, states as follows:

JURISDICTION

1. This is a suit in equity authorized and instituted pursuant to the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e) – 2. Jurisdiction of this court is based upon a federal question, 28 U.S.C. § 1331. The jurisdiction of this court is invoked to secure protection of and to address deprivation of rights secured by 42 U.S.C. § 2000(e) – 2, providing for declaratory, injunctive and other relief against employment discrimination based upon national origin and religion.

2. Venue in this district is proper under 28 U.S.C. Sec.1391 (B). The Defendant resides or resided in this district and the events giving rise to Plaintiff’s claims occurred here.

3. All conditions precedent to jurisdiction have occurred or been complied with,

to-wit:

- a. Plaintiff TRNAVA filed a charge No. 440-2018-01963 against Defendant on December 22, 2017 with the Equal Employment Opportunity Commission (“EEOC”), alleging discrimination based on religion, national origin, and retaliation, a copy of which is attached hereto as Exhibit 1.
- b. TRNAVA was issued a notice of right to sue by the EEOC for charge No. 440-2018-01963 on December 27, 2017, a copy of which is attached hereto as Exhibit 2.

PARTIES

4. TRNAVA is a citizen of the United States and the State of Illinois and resides in Chicago, Cook County, Illinois.

5. TRNAVA was a member of the protected classes, Kosovo national origin, and Muslim, when the unlawful employment practices occurred.

6. HEI HOSPITALITY, LLC. (“HEI HOSPITALITY”), is a foreign limited liability corporation engaged in the business of hotel management and restaurant services.

7. HEI HOSPITALITY is qualified to do business in the State of Illinois and is doing business in the State of Illinois.

8. HEI HOSPITALITY owns, operates and manages a restaurant known as Current, located at 644 North Lake Shore Drive, Chicago, Cook County, Illinois.

9. HEI HOSPITALITY is an employer as that term is defined under the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e(b).

BACKGROUND FACTS

10. TRNAVA was hired by HEI HOSPITALITY in or around 2014 as a server at Current.

11. During the course of his employment, TRNAVA reported to Ms. Susan Winterson, (“WINTERSON”), Human Resources Coordinator/Office Manager.

12. Throughout his employment at HEI HOSPITALITY, TRNAVA performed according to the company’s legitimate expectations.

13. Throughout TRNAVA’s employment, WINTERSON made repeated unwelcome and unwanted derogatory comments and gestures to TRNAVA regarding his national origin, Kosovo, and also concerning his religion, Muslim.

14. WINTERSON repeatedly made fun of TRNAVA’s accent, made references that the Plaintiff “was from Eastern Europe,” said that “guys from Eastern Europe are aggressive,” asked servers if the Plaintiff made them nervous, and referred to Plaintiff’s homeland as “fucking Croatia.”

15. Throughout TRNAVA’s employment, WINTERSON made these offensive and unwelcome comments and gestures within the scope of her employment with HEI HOSPITALITY.

16. TRNAVA found that WINTERSON’s comments were unwelcome and that he found them offensive.

17. TRNAVA complained to HEI HOSPITALITY’s management about the offensive and unwelcome comments and gestures.

18. Defendant failed to stop the harassment.

19. On or about June 16, 2017, TRNAVA’s employment by Defendant was terminated.

20. Similarly situated employees who were not Muslim and who were not from Kosovo were retained.

**COUNT I – HOSTILE WORK ENVIRONMENT –
NATIONAL ORIGIN DISCRIMINATION**

21. Plaintiff reincorporates and realleges Paragraphs 1 through 20 as though more fully set forth herein.

22. The inappropriate and unwelcome comments and gestures toward TRNAVA relating to his Kosovan national origin created a hostile work environment by which the terms and conditions of employment differ for members of a protected class and similarly situated members who were not members of a protected class. Defendant's failure to correct WINTERSON's behavior amounted to a condonation, ratification, approval, and perpetuation of the hostile work environment.

23. By creating, condoning, and perpetuating a hostile work environment based on TRNAVA's national origin, Defendant has intentionally and with reckless indifference and disregard violated Title VII of the Civil Rights Act of 1991.

24. Defendant's condonation, ratification, approval, and perpetuation of the hostile work environment caused TRNAVA to suffer severe humiliation, embarrassment, degradation, and emotional distress.

25. As a result of the intentional acts complained of herein, Plaintiff has suffered and will continue to suffer the loss of employment with Defendant and the loss of salary, bonuses, benefits and other compensation which such employment entails, and Plaintiff has also suffered pecuniary losses, emotional distress, pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

26. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, ARMEND TRNAVA, respectfully prays that this Honorable Court:

1. Enter a declaratory judgment that the practices complained of herein are unlawful and violative of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991;

2. Permanently enjoin Defendant, its agents, successors, officers, employees, attorneys and those acting in concert with it or them from engaging in each of the unlawful practices, policies, customs and usages set forth herein, and from continuing any and all practices shown to be in violation of applicable law;

3. Order modification or elimination of the practices, policies, customs and usages set forth herein and all other such practices shown to be in violation of applicable law so that they will not discriminate or harass on the basis of national origin;

4. Immediately assign Plaintiff to that job he would now be occupying but for the national origin-based hostile practices of Defendant, and adjust the wage rates, salaries, bonuses, and benefits for Plaintiff to those which he would be enjoying but for the national origin-based hostile practices of Defendant, or, if this is impossible, award Plaintiff front-end pay;

5. Compensate and make Plaintiff whole for all earnings, wages, including prejudgment interest and other benefits that he would have received but for the national origin-based hostile practices of Defendant;

6. Award Plaintiff the costs and disbursements of this action, including reasonable attorney's fees;

7. Award Plaintiff punitive damages for Defendant's willful conduct; and

8. Grant such other relief as may be just and proper.

**COUNT II- HOSTILE WORK ENVIRONMENT- RELIGIOUS
DISCRIMINATION**

27. Plaintiff reincorporates and realleges Paragraphs 1 through 20 as though more fully set forth herein.

28. The inappropriate and unwelcome comments and gestures toward TRNAVA relating to his religion, Muslim, created a hostile work environment by which the terms and conditions of employment differ for members of a protected class and similarly situated members who were not members of a protected class. Defendant's failure to correct WINTERSON's behavior amounted to a condonation, ratification, approval, and perpetuation of the hostile work environment.

29. By creating, condoning, and perpetuating a hostile work environment based on TRNAVA's religion, Defendant has intentionally and with reckless indifference and disregard violated Title VII of the Civil Rights Act of 1991.

30. Defendant's condonation, ratification, approval, and perpetuation of the hostile work environment caused TRNAVA to suffer severe humiliation, embarrassment, degradation, and emotional distress.

31. As a result of the intentional acts complained of herein, Plaintiff has suffered and will continue to suffer the loss of employment with Defendant and the loss of salary, bonuses, benefits and other compensation which such employment entails, and Plaintiff has also suffered pecuniary losses, emotional distress, pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

32. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, ARMEND TRNAVA, respectfully prays that this Honorable Court:

1. Enter a declaratory judgment that the practices complained of herein are unlawful and violative of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991;

2. Permanently enjoin Defendant, its agents, successors, officers, employees, attorneys and those acting in concert with it or them from engaging in each of the unlawful practices, policies, customs and usages set forth herein, and from continuing any and all practices shown to be in violation of applicable law;

3. Order modification or elimination of the practices, policies, customs and usages set forth herein and all other such practices shown to be in violation of applicable law so that they will not discriminate or harass on the basis of religion;

4. Immediately assign Plaintiff to that job he would now be occupying but for the national origin-based hostile practices of Defendant, and adjust the wage rates, salaries, bonuses, and benefits for Plaintiff to those which he would be enjoying but for the religion based practices of Defendant, or, if this is impossible, award Plaintiff front-end pay;

5. Compensate and make Plaintiff whole for all earnings, wages, including prejudgment interest and other benefits that he would have received but for the religion based practices of Defendant;

6. Award Plaintiff the costs and disbursements of this action, including reasonable attorney's fees;

7. Award Plaintiff punitive damages for Defendant's willful conduct; and

8. Grant such other relief as may be just and proper.

COUNT III – RETALIATION/TERMINATION – TITLE VII

33. Plaintiff reincorporates and realleges Paragraphs 1 through 20 as though more fully set forth herein.

34. Following the time that Plaintiff openly complained of being discriminated against on the basis of religion and national origin, Defendant terminated TRNAVA's employment.

35. By retaliating against Plaintiff, Defendant has intentionally and with reckless indifference and disregard violated Title VII of the Civil Rights Act of 1991.

36. Defendant's condonation, ratification, approval, and perpetuation of the retaliatory conduct toward TRNAVA caused him to suffer severe humiliation, embarrassment, degradation, and emotional distress.

37. As a result of the intentional acts complained of herein, Plaintiff has suffered and will continue to suffer the loss of employment with Defendant and the loss of salary, bonuses, benefits and other compensation which such employment entails, and Plaintiff has also suffered pecuniary losses, emotional distress, pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

38. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, ARMEND TRNAVA, respectfully prays that this Honorable Court:

1. Enter a declaratory judgment that the practices complained of herein are unlawful and violative of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991;

2. Permanently enjoin Defendant, its agents, successors, officers, employees, attorneys and those acting in concert with it or them from engaging in each of the unlawful practices, policies, customs and usages set forth herein, and from continuing any and all practices shown to be in violation of applicable law;

3. Order modification or elimination of the practices, policies, customs and usages set forth herein and all other such practices shown to be in violation of applicable law so that they will not discriminate or harass on the basis of national origin;

4. Immediately assign Plaintiff to that job he would now be occupying but for the retaliatory practices of Defendant, and adjust the wage rates, salaries, bonuses, and benefits for Plaintiff to those which he would be enjoying but for the retaliatory practices of Defendant, or, if this is impossible, award Plaintiff front-end pay;

5. Compensate and make Plaintiff whole for all earnings, wages, including prejudgment interest and other benefits that he would have received but for the retaliatory practices of Defendant;

6. Award Plaintiff the costs and disbursements of this action, including reasonable attorney's fees;

7. Award Plaintiff punitive damages for Defendant's willful conduct; and

8. Grant such other relief as may be just and proper.

ARMEND TRNAVA,
Plaintiff

By: /s/ Eugene K. Hollander
One of his attorneys

Eugene K. Hollander
ehollander@ekhlaw.com

Paul W. Ryan

pryan@ekhlaw.com

Jonathon L. Hoeven

jhoeven@ekhlaw.com

The Law Offices of Eugene K. Hollander

230 W. Monroe

Suite 1900

Chicago, IL 60606

(312)-425-9100

EXHIBIT 1

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION		Charge Presented To:		Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC		440-2018-01963	
Illinois Department Of Human Rights and EEOC					
State or local Agency, if any					
Name (Indicate Mr., Ms., Mrs.)		Home Phone (Incl. Area Code)		Date of Birth	
Armend Trnava		(312) 533-1043		1984	
Street Address		City, State and ZIP Code			
65 E. Scott, Unit 12C, Chicago, IL 60610					
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)					
Name		No. Employees, Members		Phone No. (Include Area Code)	
CURRENT RESTAURANT		15 - 100		(312) 255-4460	
Street Address		City, State and ZIP Code			
644 North Lake Shore Drive, Chicago, IL 60611					
Name		No. Employees, Members		Phone No. (Include Area Code)	
Street Address		City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).)				DATE(S) DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input checked="" type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN				Earliest Latest	
<input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION					
<input type="checkbox"/> OTHER (Specify)				<input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):					
I was hired by Respondent in or around 2014. My most recent position was Server. During my employment, I was harassed. I complained to Respondent and the harassment continued. On or about June 16, 2017, I was discharged.					
I believe I have been discriminated against because of my religion, Muslim, and national origin, Kosovo, and retaliated against for engaging in protected activity, in violation of Title VII of the Civil Right Act of 1964, amended.					
DEC 22 2017					
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.			NOTARY - When necessary for State and Local Agency Requirements		
I declare under penalty of perjury that the above is true and correct.			I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.		
Date Dec 22, 2017			SIGNATURE OF COMPLAINANT		
Charging Party Signature			SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)		

EXHIBIT 2

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Armend Trnava
65 E. Scott
Unit 12c
Chicago, IL 60610

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2018-01963

Jerry Zhang,
Investigator

(312) 869-8029

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission

Julianne Bowman
Julianne Bowman,
District Director

12/27/17

(Date Mailed)

cc:

Gary Mendell
Chairman
HEI HOTELS & RESORTS
101 Merritt 7 Corporate Park
1st Floor
Norwalk, CT 06851

Exhibit

2

I. GENERAL INFORMATION ABOUT THE COMPANY

A. INTRODUCTION

1. PURPOSE AND COVERAGE

We believe in keeping our employees fully informed. To help you in this process we have created this Employee Handbook to acquaint you with our current personnel policies, benefits and rules. **This Handbook is not a contract, and the language used in the Handbook is not intended to create or to be construed as a contract.** Instead, it is solely informational in nature. The Handbook and the policies within it are subject to change by the Company from time-to-time without prior notice. This Handbook modifies any and all pre-existing rules, benefits and policies whether written or otherwise.

We encourage you to read this Handbook carefully to ensure that you are familiar with its contents. If you have any questions about it, please contact your Supervisor or any other member of our management team. They will be happy to assist you.

2. EMPLOYMENT AT WILL

The employment relationship between the Company and its employees is “at-will.” This means that it is of indefinite duration, and may, regardless of the time and manner of payment of wages and/or salary, be terminated at any time by you or the company, for any reason or no reason, and with or without cause or notice. Any representation about the employment relationship and/or the Employee Handbook that is different from what is described above will be invalid unless specifically agreed to in writing and signed by both you and the President of the Company.

B. EQUAL EMPLOYMENT OPPORTUNITY

It is our policy to promote equal employment opportunity through a positive, continuing program. This means that we will not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, age, mental or physical handicap or disability, citizenship, sexual orientation, genetic information, or any other status protected by law. Equal employment opportunity will be extended to all persons, in all aspects of the employment relationship, including recruitment, hiring, training, promotion, transfer, discipline, layoff, recall and termination.

We reasonably accommodate employees and/or applicants with disabilities, provided the individual is otherwise qualified to perform the essential functions of the job. If you believe that you need a reasonable accommodation please inform your Supervisor.

In addition, this Company is committed to maintaining a workplace that is free of discrimination, harassment and retaliation. In keeping with this

commitment, we prohibit any form of discrimination, harassment or retaliation in the workplace made by or toward our employees. Equal employment opportunity is the law and the practice of this Company. If you feel that you have been discriminated against in any respect, you should immediately bring the matter to the attention of management through the Communication/Complaint Resolution Procedure contained in this Handbook. All such complaints will be treated with discretion and will be thoroughly investigated.

C. **OUR POLICY AGAINST HARASSMENT**

We believe that our employees should be able to work in an atmosphere free from all forms of harassment. Therefore, it is our policy to prohibit all types of harassment, including but not limited to harassment based on: race, color, creed, religion, national origin, sex, age, mental or physical handicap or disability, citizenship, sexual orientation, marital status or any other status protected by law. This policy extends to each and every level of our operations. Accordingly, harassment, whether by a fellow employee, a customer, a guest, or a member of management, will not be tolerated. Activities of this nature are unlawful and serve no legitimate purpose; they have a disruptive effect on your ability to perform your job and they undermine the integrity of the employment relationship.

Harassment is verbal or physical conduct relating to an individual's sex, race, color, religion, national origin, age or disability when this conduct: (a) has the purpose or effect of creating an intimidating, hostile or offensive working environment; (b) has the purpose or effect of unreasonably interfering with an individual's work performance; or (c) otherwise adversely affects an individual's employment opportunities. Some examples of conduct that may constitute prohibited harassment include: slurs, jokes, cartoons, stereotypes, statements, etc. based upon sex, race, color, religion, national origin, age or disability.

Acts considered to constitute **SEXUAL HARASSMENT** include, but are not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (b) an individual's submission to or rejection of such conduct is used as a basis for an employment decision affecting that individual; or (c) the purpose or the effect of such conduct is to substantially interfere with the affected individual's work performance or to create an intimidating, hostile or offensive work environment. Some examples of unwelcome behavior that can be construed as sexual harassment include, but are not limited to: sexual advances, propositions, sexually suggestive gestures, sexual jokes, touching, physical assault, sexually explicit or suggestive objects or pictures, references to a person's body parts, requests for sexual activity and/or sexually explicit conversation.

We take allegations of harassment very seriously. If you believe that you are the victim of harassment, you should do the following:

1. If possible, document or otherwise record each incident of alleged harassment, including the date, time, place and details of what was said or done, and the surrounding circumstances.
2. If you are comfortable doing so, clearly and directly communicate to the offending individual that his/her conduct is unwelcome, and request that the offensive behavior stop.
3. At the same time, you should immediately bring the matter to the attention of your Supervisor. If your Supervisor is somehow involved in the harassment, or if you are uncomfortable talking to him or her, you should report this matter to any other member of management you wish.
4. You may also report incidents of harassment directly to Joel Sorinsky.

For additional information regarding employee rights and responsibilities please see our poster called "Equal Employment Opportunity is the Law". No Supervisor or Manager has the authority to condition any tangible job benefit on an employee's putting up with or agreement to any conduct that may violate this policy. If you believe that you have been deprived of any job benefit or that you have been threatened, you should immediately report it to one of the individuals listed above. Managers and Supervisors **must** report immediately to the Company any incidents that they hear about or observe that may constitute a violation of this policy.

We will protect the confidentiality of harassment allegations to the extent possible under the circumstances. The Company will actively investigate all harassment complaints, and if it is determined that harassment has occurred, we will take appropriate disciplinary action against the offending party, up to and including discharge.

Retaliation against any person who has complained about harassment, filed a charge of harassment, or who otherwise participated in an investigation of harassment will **not** be tolerated. Such activity is unlawful and will result in severe discipline, up to and including discharge.

D. ORIENTATION

Your first 30 days of employment are considered an Orientation Period. This period gives you time to become acquainted with your job. It also gives us an opportunity to fairly evaluate your progress and potential.

After you complete this Orientation Period, you will become eligible for most of the benefits as described in this Handbook (unless otherwise indicated), and your seniority will date back to the first day of your employment with us.

Exhibit

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As an employee of Chicago Cut Steakhouse, you are expected to be intimately familiar with the products and services we offer. We consider our employees to be one of our best sources of business referrals and the better educated you are about the Company, the better chance you have of creating additional customers.

2. The Guest/Customer

Our customers support this business and pay your wages. We expect you to treat all customers with respect and courtesy. If you ever receive a customer complaint, bring it immediately to your supervisor's attention.

In a large restaurant it is very hard for the managers to see everything that occurs. We need your help in ensuring not only customer service but also customer safety. If you witness a customer accident, always acknowledge the customer first to see if there is anything you can do, and then get a manager. Always avoid commenting on the accident. The manager's first concern is that the injured customer is handled with proper consideration and receives immediate treatment.

While the event is fresh in your mind, write notes on what you saw happen and give them to the manager who is handling the situation. These notes will help the manager fill out the necessary forms from the insurance company.

Always be alert to any potential problem situation and either correct it; for example clean up a water spill or get a manager for such things as suspicious looking people, or intoxicated or unruly customers.

Remember, it is against the Company's policy to give a customer aspirin or any other medication from your personal belongings or the first aid box.

I. EMERGENCY PROCEDURES

In the event of an emergency, remain calm look to your manager or chef for instructions for your and guest safety. If evacuation is required, exit the building calmly assisting others when applicable. Meet on LaSalle and wait until a headcount is complete and further instructions are given. In the event of attempted robbery, follow instructions and do not try to stop the perpetrator. Your safety and the guests' safety are far more valuable than any monetary or material amount. If you see something or someone suspicious in or around the restaurant, alert a manager and we will react accordingly.

J. WORKING CONDITIONS AND PERSONAL PROPERTY

We strive to provide a comfortable and pleasant work environment to help our employees perform their jobs in the most efficient and effective manner. Accordingly, for both safety and security reasons it is important that our Company property, including our facilities and their contents, be used only for the designated business purpose. This means that smoking is not permitted in the facility and food and drink (unless authorized by your supervisor) shall not be consumed at or near any work areas.

Exhibit

4

When interacting with guests:

1. Employees are never to drop a check at a table without the request of the customer or the explicit approval from management.
2. Employees are not to question a customer about the amount of gratuity received, request a specific amount or additional gratuity, nor request gratuity in cash rather than credit card charge.
3. Employees are not allowed to sit down at customers' tables or the bar while working.
4. Employees are never to argue with a customer for any reason. If there is a customer complaint and/or concern, management should be involved immediately.

B. BREAK/MEAL PERIOD

Employee meals will be provided twice daily. One meal will be for the morning/lunch shift and one for the dinner shift. These meals will occur at designated times as determined by management. These meals will be for 20 minutes and will be unpaid. You must clock out in order to partake in an employee meal. The meal will be determined by the chef daily.

C. CODE OF CONDUCT

The best working conditions exist where all employees (including supervisors) conduct themselves with respect and consideration for themselves, their fellow employees, and the Company. While we hope and expect the need for disciplinary action will be rare, when your job performance, attitude or conduct falls short of our established standards, we will not hesitate to take appropriate action. Progressive disciplinary action will proceed as management deems necessary from verbal warning, suspension then termination. This means that as a general rule, you will be given an increasingly severe penalty each time an offense is committed. Some types of misconduct are so intolerable that termination may be imposed for the first offense.

As you review the following rules, please keep in mind that it is not intended to be exhaustive. It is merely intended to provide you with examples of the types of conduct which may result in disciplinary action or immediate termination.

Committing any one of the following will normally result in immediate termination for the first offense:

1. Committing, attempting, or participating in theft or misappropriation of property belonging to the Company, a customer, a visitor or an employee.
2. Abusing or removing any equipment, product, tools or materials from premises without proper authorization.
3. Dishonesty, lying, embezzling, or falsifying or altering Company records or intentionally giving false information to anyone with a duty to prepare Company records, no matter when discovered. (This includes giving false information on an employment application, timecard, timesheet or other forms.)
4. Destroying, damaging, sabotaging or hiding Company, customer or employee property, or willfully or negligently wasting materials.
5. Disclosing trade secrets, confidential information, or proprietary business information about the Company or its customers to unauthorized persons, including competitors.
6. Punching or making entries on another employee's timecard or timesheet, or allowing another person (other than a supervisor) to punch or make entries on your timecard or timesheet, or tampering with any timecard or timesheet.
7. Carrying dangerous weapons or explosives while on Company or customer property.
8. Failing to cooperate in any investigation or search conducted by or on behalf of the Company, or concealing or failing to report any violation of any Company rule.
9. Failing to cooperate with or follow prescribed security procedures, or encouraging others to do so.
10. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, member of management, customer, the Company or its products.
11. Fighting on Company or customer property or assaulting or attempting to assault any employee or other person, or deliberately provoking or inciting another person to engage in an assault or fight.
12. Conviction of a felony or other criminal act.
13. Engaging in immoral conduct or indecency.
14. Violating the Company's Drug and Alcohol Policy.

15. Sleeping on the job.
16. Negligence resulting in injury to persons, or damage to Company, customer or employee property.
17. Engaging in disorderly conduct.
18. Deliberately restricting work performance, concealing defective work, or encouraging others to do so.
19. Being insubordinate or disobedient, including refusing to promptly carry out a supervisor's work instruction or assignment, being rude to customers or being disrespectful or physically or verbally abusive to a supervisor, employee, customer or customer's employee. (You must do the assignment or follow the instruction. If you disagree, you can always discuss it politely later.)
20. Instigating, encouraging or participating in a work slowdown or stoppage, or deliberately restricting production output or encouraging others to do so.
21. Being absent for three (3) or more consecutive days without acceptable notice to the Company or without good cause.
22. Refusing to work a reasonable amount of overtime when required.
23. Failing to return promptly from a leave of absence or vacation upon expiration.
24. Misrepresenting the reason for a leave of absence or obtaining other employment during a leave of absence.
25. Destroying Company bulletin boards; posting or removing notices, signs, or writing in any form on bulletin boards or Company property at any time without the specific authority of management.
26. Examining or reviewing Company records or information without authorization.
27. Violating the Company's Harassment or Equal Employment Opportunity Policies.
28. Accessing files without authorization, or unauthorized copying or removal of files, disks, tapes, programs or hardware.
29. Unauthorized entry after hours.

30. Unauthorized use of Company property.
31. Use of a cellular phone in the Restaurant. This includes but is not limited to texting, browsing the web and making calls.
32. Chewing gum, chewing straws or using a toothpick is prohibited.

Violation of the following rules will generally result in progressive discipline, typically a verbal or written warning for the first and/or second offense, a final warning with or without a suspension of one or more days for the second or third offense, and termination for the third or fourth offense. Offenses need not be the same or similar to result in progressive discipline. In some cases, depending on the nature of the offense and the particular circumstances, more severe and/or more rapid discipline may result.

1. Not calling in or showing up for a shift.
2. Leaving the restaurant without management approval.
3. Failing to maintain standards of food production, hygiene and cleanliness.
4. Being out of uniform or not following appearance policy.
5. Not showing a serious attitude or lack of diligence in carrying out work.

D. THEFT AND DISHONESTY/SECURITY

1. In the event of a theft or suspected theft, the Company will conduct a thorough investigation. Any employee who engages in theft, regardless of the dollar value involved, will be terminated.
2. The Company will disclose to appropriate law enforcement officials any evidence relating to theft or other criminal activity.
3. "Theft" as used in this policy includes, but is not limited to, misappropriation or unauthorized possession or removal of property belonging to the Company, other employees of the Company, or the suppliers, visitors or customers of the Company.
4. Other dishonest practices encompassed by this policy include, but are not limited to, the following:
 - a. the intentional submission of false reports, time records or related documents;

Exhibit

5

From: _____
Date: Mon, Sep 10, 2018 at 10:22 AM
Subject: Re:
To: David Flom <david.flom@chicagocutsteakhouse.com>

Good Morning David,

Happy to help.

I will be in Chicago Sept 23rd -26th and will contact you if time permits.

On July 17th, 2018 I brought in a group of partners to host a dinner at Chicago Cuts. 10 guests and only one woman at our table was in attendance. Through the dinner we were approached by an employee who introduced himself as a Manager. Through the 2 hour dinner he approached the table an uncomfortable amount of times and found his way to making our guests extremely uneasy at every "table touch". Every visit to our table included resting his hands on the shoulders of our female business partner. It was disrespectful, and it was not just once but 4/5 times. It was so obvious that after one of the episodes _____ made it aware to the entire table that she did not feel comfortable and asked everyone to pay attention next time he circled back. Less than 5 minutes later I was in the middle of making a toast when the same Manager approached our table interrupted my speech to ask what we all did for work while resting his hands on _____ again, I was in complete disbelief at the lack of professionalism and respect this individual had for guests. I was very disappointed that our visit was shadowed by the unwarranted advancements/harassment and was keen to share my displeasure with you in hopes no other guest would have to experience the same treatment.

Let me know if I can be of any further assistance.

Respectfully,

Exhibit

6

From: Robert Maguire <robert.maguire@chicagocutsteakhouse.com>
Date: September 8, 2018 at 4:55:23 PM CDT
To: David Flom <david.flom@chicagocutsteakhouse.com>, Matt Moore
<matt.moore@chicagocutsteakhouse.com>
Subject: Armend T.

Today I received a phone call from _____ who had dinner with us on Tuesday the 4th of September at 6:30 pm. She sat at table 807 and Marco was her server. She told me she typically likes to have Stephen as her server, but he was not available. She complained about Marco being too pushy when she said her steak was under cooked and he tried to convince her that it was not. I spoke to Marco about this already... Her big complaint is that Armani gave his cell phone number to her daughter, there at the table and kept walking by the table flashing his cell phone at her, "as in why haven't you text me yet". _____ also said if there would of been a man at their table she feels this would of never happened, and loves Chicago Cut but does not feel comfortable coming here when things like this happen to her daughter who did not want anything to do with Armani. I apologized and told her we would be calling her back in the near future.

Her phone # :

Sincerely,
Robert Maguire

Exhibit

7

CCS DISCIPLINARY NOTICE AND ACTION FORM				
Employee: <u>Amend Trnava</u>			Position: <u>Manager</u>	
Date of Incident: <u>9/14/18</u>			Time: <u>1230 p</u>	
VIOLATION:				
<input type="checkbox"/> INSUBORDINATION	<input type="checkbox"/> ABSENTEEISM	<input checked="" type="checkbox"/> RULE VIOLATION	<input type="checkbox"/> WORK QUALITY	<input type="checkbox"/> SAFETY VIOLATION
<input type="checkbox"/> NO-CALL/NO-SHOW	<input type="checkbox"/> TARDINESS	<input checked="" type="checkbox"/> HARASSMENT	<input type="checkbox"/> ATTITUDE	<input type="checkbox"/> MISCONDUCT
<input checked="" type="checkbox"/> VIOLATION OF REGULATORY POLICY	<input type="checkbox"/> FAILURE TO FOLLOW INSTRUCTIONS	<input type="checkbox"/> FALSIFICATION	<input type="checkbox"/> DRESS CODE	OTHER
COMPANY STATEMENT [provide details of when, why, how, and what happened; use additional sheets if necessary]:				
<u>Guest complained that Amend "slipped" her</u> <u>daughter his cell phone number and both the</u> <u>mother and daughter complained that he walked by</u>				
Signed: <u>[Signature]</u>		Title: <u>Manager</u>		Date: <u>9/14/18</u>
EMPLOYEE STATEMENT: <input type="checkbox"/> I agree with Company Statement <input type="checkbox"/> I disagree with Company Statement				
Reasons:				
Signed:			Date:	
ACTION TO BE TAKEN NOW:	<input type="checkbox"/> WARNING	<input type="checkbox"/> FINAL WARNING	<input checked="" type="checkbox"/> DISCHARGE	<input type="checkbox"/> OTHER
NEXT VIOLATION WILL RESULT IN:	<input type="checkbox"/> WARNING	<input type="checkbox"/> FINAL WARNING	<input type="checkbox"/> DISCHARGE	<input type="checkbox"/> OTHER
ADDITIONAL CORRECTIVE ACTION:				
I acknowledge receipt of this Disciplinary Notice.	Employee's Signature: <u>refused to sign</u>		Date: <u>9/14/18</u>	
I have discussed this Disciplinary Notice with the employee.	Supervisor's Signature: <u>[Signature]</u>		Date: <u>9/14/18</u>	
Witness Signature: <u>Matt Wood</u> <u>Managing Partner</u> <u>9/14/18</u> Date: <u>[Signature]</u>				
Print Name: _____				

multiple times flashing his phone in the air
trying to encourage the daughter to text him.
This is the fourth complaint from a guest
about his behavior.

Exhibit

8

CCS DISCIPLINARY NOTICE AND ACTION FORM				
Employee: <u>Aurel Trnava</u>			Position: <u>Manager</u>	
Date of Incident: <u>9/14/18</u>			Time: <u>12:30 p</u>	
VIOLATION: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 20%;"><input type="checkbox"/> INSUBORDINATION</div> <div style="width: 20%;"><input type="checkbox"/> ABSENTEEISM</div> <div style="width: 20%;"><input checked="" type="checkbox"/> RULE VIOLATION</div> <div style="width: 20%;"><input type="checkbox"/> WORK QUALITY</div> <div style="width: 20%;"><input type="checkbox"/> SAFETY VIOLATION</div> <div style="width: 20%;"><input type="checkbox"/> NO-CALL/NO-SHOW</div> <div style="width: 20%;"><input type="checkbox"/> TARDINESS</div> <div style="width: 20%;"><input checked="" type="checkbox"/> HARASSMENT</div> <div style="width: 20%;"><input type="checkbox"/> ATTITUDE</div> <div style="width: 20%;"><input type="checkbox"/> MISCONDUCT</div> <div style="width: 20%;"><input checked="" type="checkbox"/> VIOLATION OF REGULATORY POLICY</div> <div style="width: 20%;"><input type="checkbox"/> FAILURE TO FOLLOW INSTRUCTIONS</div> <div style="width: 20%;"><input type="checkbox"/> FALSIFICATION</div> <div style="width: 20%;"><input type="checkbox"/> DRESS CODE</div> <div style="width: 20%;"><input type="checkbox"/> OTHER</div> </div>				
COMPANY STATEMENT [provide details of when, why, how, and what happened; use additional sheets if necessary]: <u>Based on the fact that this was the fourth incident of complaint by a guest about making physical/sexual/ hitting on advances on them we file</u> Signed: <u>[Signature]</u> Title: <u>Manager Partner</u> Date: <u>9/14/18</u>				
EMPLOYEE STATEMENT: <input type="checkbox"/> I agree with Company Statement <input type="checkbox"/> I disagree with Company Statement				
Reasons:				
Signed: _____ Date: _____				
ACTION TO BE TAKEN NOW:	<input type="checkbox"/> WARNING	<input type="checkbox"/> FINAL WARNING	<input checked="" type="checkbox"/> DISCHARGE	<input type="checkbox"/> OTHER
NEXT VIOLATION WILL RESULT IN:	<input type="checkbox"/> WARNING	<input type="checkbox"/> FINAL WARNING	<input type="checkbox"/> DISCHARGE	<input type="checkbox"/> OTHER
ADDITIONAL CORRECTIVE ACTION:				
I acknowledge receipt of this Disciplinary Notice.	Employee's Signature: <u>refused to sign</u>		Date: <u>9/14/18</u>	
I have discussed this Disciplinary Notice with the employee.	Supervisor's Signature: <u>[Signature]</u>		Date: <u>9/14/18</u>	
Witness Signature: <u>Matt [Signature]</u> <u>Manager Partner</u> <u>9/14/18</u> Date: <u>[Signature]</u>				
Print Name: _____				

this as termination:

COMPANY COPY TO BE RETAINED IN EMPLOYEE'S PERSONNEL FILE

VII. CERTIFICATE OF RECEIPT

I have received a copy of the Chicago Cut Steakhouse EMPLOYEE HANDBOOK, and I understand that it is solely for the purpose of explaining the Company's current policies, benefits and rules and that it is not intended to be a contract or guarantee of employment or of any specific terms or conditions of employment or procedural rights. I also understand that the Handbook modifies all pre-existing rules, benefits and policies and that it may be changed at any time within notice as deemed necessary by the Company.

Dated: _____

3/9/18

Employee's Signature